

DIANE ARGYROPOLOUS
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022
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2 UNITED STATES DISTRICT COURT	2 A P P E A R A N C E S:
3 SOUTHERN DISTRICT OF NEW YORK	3
4 -----X	4 LAW OFFICES OF AHMAD KESHAVARZ
5 FARAH JEAN FRANCOIS,	5 Attorneys for Plaintiff
6 Plaintiff,	6 16 Court Street, #2600 Brooklyn
7 -against- Case No. 1:22-c-4447-JSR	7 New York, New York 11241
8 VICTORY AUTO GROUP LLC d/b/a VICTORY	8 BY: EMMA CATERINE, ESQ.
9 MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a	9
10 VICTORY MITSUBISHI, STAVROS ORSARIS, YESSICA	10
11 VALLEJO, DAVID PEREZ, DIANE ARGYROPOULOS, and	11
12 PHILIP ARGYROPOULOS,	12 NICHOLAS GOODMAN & ASSOCIATES, PLLC
13 Defendants.	13 Attorneys for Defendants
14 -----	14 333 Park Avenue South, Suite 3A
15 VIDEOTELECONFERENCED DEPOSITION OF:	15 New York, New York 10010
16 DIANE ARGYROPOLOUS	16 BY: H. NICHOLAS GOODMAN, ESQ.
17 New York, New York	17
18 Friday, December 9, 2022	18 ALSO PRESENT:
19	19 Patrick Selvey, Esq.
20	20 Ahmad Keshavarz, Esq.
21	21
22	22
23 Reported by:	23
24 Aydil M. Torres, CSR	24
25 JOB NO. J8950423	25
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1	1
2	2 S T I P U L A T I O N S
3	3
4	4 IT IS HEREBY STIPULATED AND AGREED
5 December 9, 2022	5 by and between the attorneys for the
6 10:01 a.m.	6 respective parties herein, that filing,
7	7 sealing and certification and the
8	8 same are hereby waived and that the
9 VTC deposition of	9 questioning attorney shall provide counsel
10 DIANE ARGYROPOLOUS, held at the	10 for the witness examined herein with a copy
11 offices of Nicholas Goodman &	11 of this examination at no charge.
12 Associates, PLLC, 333 Park Avenue	12
13 South, New York, New York, pursuant	13 IT IS FURTHER STIPULATED AND AGREED
14 to Notice, before Aydil M. Torres,	14 that all objections, except as to the
15 a Notary Public of the State of	15 form of the question shall be reserved
16 New York.	16 to the time of the trial.
17	17
18	18 IT IS FURTHER STIPULATED AND AGREED
19	19 that the within deposition may be signed
20	20 and sworn to before any officer authorized
21	21 to administer an oath, with the same force
22	22 and effect as if signed and sworn to before
23	23 the Court.
24	24
25	25

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1		1	
2	THE REPORTER: My name is	2	that?
3	Aytil M. Torres a New York State	3	Q. Sure. Have you ever had a
4	notary public and certified	4	deposition taken before?
5	shorthand reporter. This	5	A. Yes.
6	deposition is being held via	6	Q. And what was the nature of that
7	videoconferencing equipment. The	7	deposition?
8	witness and reporter are not in the	8	A. The Nelson case.
9	same room. The witness will be	9	Q. Any other depositions, besides that
10	sworn in remotely pursuant to	10	one?
11	agreement of all parties. The	11	A. I don't recall. I don't think so.
12	parties stipulate that the	12	I don't recall any.
13	testimony is being given as if the	13	Q. And were you testifying as an
14	witness was sworn in person.	14	individual or as a corporate representative
15	D I A N E A R G Y R O P O L O U S,	15	in that case?
16	called as a witness, having been	16	A. Corporate representative, yeah.
17	duly sworn by a Notary Public, was	17	Q. Okay. Have you ever testified in a
18	examined and testified as follows:	18	court proceeding?
19	THE REPORTER: Please state	19	A. Yes.
20	your name and spell it for the	20	Q. Which court proceeding did you
21	record.	21	testify in?
22	THE WITNESS: Diane	22	A. It was about the Etch.
23	Argyropoulos. D-I-A-N-E,	23	Q. The New York Attorney General case;
24	A-R-G-Y-R-O-P-O-U-L-O-S.	24	is that correct?
25	THE REPORTER: Please state	25	A. Yes, yes.
	Page 6		Page 8
1		1	
2	your address for the record.	2	MR. GOODMAN: You have to
3	THE WITNESS: 4101 Boston	3	let her finish the question. So
4	Road, Bronx, New York 10466.	4	the court reporter can't take down
5	EXAMINATION BY	5	two people at once.
6	MS. CATERINE:	6	THE WITNESS: Sorry.
7	Q. Good morning.	7	Q. It's all right. It's natural to do
8	A. Good morning.	8	that in conversation. Just try to -- try to
9	Q. Ms. Argyropoulos, have you ever	9	remember that.
10	gone by any other names or aliases?	10	What do you remember about that
11	A. My maiden name.	11	case?
12	Q. What is that?	12	MR. GOODMAN: Object to the
13	A. Papadakos.	13	form; go ahead.
14	Q. Could you spell that, please?	14	A. I remember that my general manager
15	A. P-A-P-A-D-A-K-O-S.	15	was selling a product. I was not aware that
16	Q. Some of the documents in this case	16	we were going to have a problem with that.
17	have "Argyropoulos" spelled differently.	17	Once it came to my attention, I fired him and
18	Do you ever spell it differently or	18	everybody else who was selling this product.
19	are those just misspellings?	19	Q. What was the name of that general
20	A. It's misspelled.	20	manager?
21	Q. Okay. I am sure probably often.	21	A. Scott.
22	A. It's a long name.	22	Q. Last name?
23	Q. Have you ever had your deposition	23	A. I don't recall. It's been too many
24	taken before?	24	years.
25	A. "Have" I -- sorry, can you rephrase	25	Q. That's all right. And what were

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<p style="text-align: right;">Page 9</p> <p>1 the names of the other employees who you 2 fired? 3 A. Danny. I don't... 4 Q. If you don't remember, don't guess. 5 Just tell me what you remember. 6 A. Danny. That's all I remember. 7 Q. Okay. All right. Let's take a 8 look at Exhibit 35, which is Bates-stamped 9 Francois 3679 to Francois 3684. 10 MR. GOODMAN: Emma, what's 11 the subject matter of those? 12 MS. CATERINE: That's the 13 stipulation of settlement for the 14 New York Attorney General lawsuit. 15 MR. GOODMAN: All right. 16 Let me go through what I have here. 17 MS. CATERINE: Yeah, sure. 18 MR. GOODMAN: It's probably 19 here somewhere, so -- I don't think 20 I have that out on the table for 21 whatever reason. I can get it 22 printed pretty quickly, if we need 23 to do that. 24 MS. CATERINE: No, that's</p>	<p style="text-align: right;">Page 11</p> <p>1 MR. GOODMAN: Object to 2 form. 3 A. I don't really know why, to be 4 honest. I am the one who appeared to the 5 court. Phil was not there. I mean, to me, 6 at the time, it didn't really matter because 7 I knew we were paying back that money, so I 8 was not concerned about a judgment. 9 Q. So I know you have taken a 10 deposition before, but let's just go over a 11 couple of basics, just to refresh your 12 memory. 13 If you don't understand a question, 14 will you please ask me to rephrase the 15 question? 16 A. Yes. 17 Q. If I ask a question and you don't 18 ask me to rephrase the question, is it 19 reasonable to assume that you understood the 20 question? 21 MR. GOODMAN: Object to 22 form. 23 A. Yes. 24 Q. During the course of your</p>
<p style="text-align: right;">Page 10</p> <p>1 all right. We will just see if we 2 can ask these questions without the 3 document in front of us. 4 MR. GOODMAN: Okay. 5 Q. Ms. Argyropoulos, what do you 6 remember about how the New York Attorney 7 General lawsuit was resolved? 8 MR. GOODMAN: Object to the 9 form; go ahead. 10 A. I remember that it was settled and 11 we paid back everything that we charged. 12 Q. Do you recall a provision in the 13 settlement, where it stated that if the 14 respondents failed to make payments on the 15 settlement, that a judgment would be entered 16 against Phillip R. Argyropoulos, personally? 17 A. Yes. 18 Q. And Philip Argyropoulos is your 19 husband, correct? 20 A. We're separated. 21 Q. I see. Why was the settlement -- 22 why did the settlement have this provision 23 for personal -- for a judgment against him, 24 personally, rather than against you?</p>	<p style="text-align: right;">Page 12</p> <p>1 deposition, your attorney may be making 2 certain objections, as he just did, such as 3 objection to form. Unless instructed not to 4 answer, do you understand that you are still 5 required to answer the question? 6 A. Yes. 7 Q. And for the court reporter, and for 8 the record, do you understand that you should 9 please orally answer, not nod, or say things, 10 like, "uh-huh"?</p> <p>11 A. Yes. I may do that, though, by 12 accident.</p> <p>13 Q. That's all right. If you forget, 14 that's totally fine. How old are you?</p> <p>15 A. Fifty-four.</p> <p>16 Q. And where do you currently reside?</p> <p>17 MR. GOODMAN: No street 18 address. Just where, generally.</p> <p>19 A. Nassau County.</p> <p>20 Q. What steps did you take in 21 preparation for your deposition today?</p> <p>22 A. I spoke to my attorneys.</p> <p>23 Q. And when you say your "attorneys," 24 are you referring to Mr. Goodman and Mr.</p>

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1 2 Selvey? 3 A. Yes. 4 Q. Did you speak with anyone else, in 5 preparation for your deposition today? 6 A. I did. I spoke to -- 7 MR. GOODMAN: Just wait for 8 the question. 9 Q. Please, go ahead. 10 Who did you speak with? 11 A. Stavros. 12 Q. Anyone else? 13 A. Vena. 14 Q. And who is that? What is that 15 person's full name? 16 A. Vena Singh. 17 Q. Okay, who is Vena Singh? 18 A. My BDC manager. 19 MR. GOODMAN: By counsel, 20 it's Bibi Singh, you may know her 21 as. 22 MS. CATERINE: Sorry, I 23 couldn't hear that. 24 MR. GOODMAN: You will see 25 her name on documents that you have	1 2 electronic documents, like computer screens. 3 Did you ever review any computer 4 screens for electronic documents about Farah 5 Jean Francois, prior to your preparation for 6 this deposition? 7 A. Yes. 8 Q. And was that the screens on 9 Dealertrack? 10 A. No. 11 Q. Could you explain to me what you 12 reviewed? 13 A. The document -- when the lawsuit 14 came in, I reviewed those documents. 15 Q. I see. Do you have a login for 16 Dealertrack? 17 A. Yes. 18 Q. When was the last time you logged 19 into Dealertrack? 20 A. A few days ago. 21 Q. Do you login to Dealertrack as a 22 regular part of conducting the business of 23 Victory Mitsubishi? 24 A. Yes. 25 Q. And do you ever pull credit reports
Page 14	Page 16
1 2 exchanged as Bibi, B-I-B-I, Singh. 3 MS. CATERINE: Okay. 4 Q. And when did you speak to 5 Ms. Singh? 6 A. This week. 7 Q. When did you speak to Stavros? 8 A. This week as well. 9 Q. What documents have you reviewed, 10 in preparation for this deposition? 11 A. What documents? The CBC documents. 12 Q. Okay. Anything else? 13 A. The reviews. 14 Q. Okay. What is your understanding 15 of what this lawsuit is about? 16 MR. GOODMAN: Object to 17 form. 18 A. I'm understanding that the customer 19 is saying that she was not present for the 20 loan. 21 Q. And prior to your preparation for 22 the deposition in this case, had you reviewed 23 documents about Farah Jean Francois? 24 A. No. 25 Q. And by "documents," I also mean	1 2 in Dealertrack? 3 A. No. 4 Q. What do you, generally, use 5 Dealertrack for in the ordinary course of 6 your business? 7 A. To receipt -- the money that comes 8 in, to make sure we get all the credit cards. 9 Accounts payable. It's more office side. 10 Q. I see. Some of the prior witnesses 11 have testified about a "back office" at 12 Victory Mitsubishi. Is that the same thing 13 as what you just referenced as "office side"? 14 MR. GOODMAN: Object to 15 form. 16 Go ahead. 17 A. I am not understanding about the 18 "back office." 19 Q. Sure, that's okay. I'm not either. 20 That's why I was asking. But that's okay. 21 Have you searched for e-mails 22 related to Farah Jean Francois? 23 A. No. 24 Q. Okay. Do you ever use a personal 25 e-mail address to conduct business at Victory

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1	1
2 Mitsubishi?	2 A. Yes.
3 A. I do, yes.	3 Q. And what was that?
4 Q. And what is that e-mail address?	4 A. Saint Francis College.
5 A. Diane@VictoryMitsubishi.com.	5 Q. And when did you graduate from
6 Q. Do you use any other e-mail	6 Saint Francis College?
7 addresses to conduct business at Victory	7 A. '92, '93.
8 Mitsubishi?	8 Q. And what was your degree in?
9 A. No.	9 A. Business.
10 Q. Do you ever use any messaging apps,	10 Q. Did you have any schooling, after
11 like WhatsApp or Signal to conduct business	11 graduating from Saint Francis?
12 at Victory Mitsubishi?	12 A. No.
13 A. No.	13 Q. What did you do for employment,
14 Q. Do you ever use your personal cell	14 after graduating from Saint Francis?
15 phone to conduct business at Victory	15 A. I worked at a family business.
16 Mitsubishi?	16 Q. An what was the nature of that
17 A. Can you rephrase that question?	17 business?
18 Q. Sure. Let me -- how -- when you	18 A. A restaurant.
19 need to make phone calls in the ordinary	19 Q. And how long did you do that for?
20 course of your business at Victory	20 A. Five years.
21 Mitsubishi, what phone do you use?	21 Q. Okay. When did you marry Phillip
22 A. The business phone.	22 Argyropoulos?
23 Q. Do you ever use a personal cell	23 A. 1993.
24 phone?	24 Q. And when did you first meet Chris
25 MR. GOODMAN: Objection.	25 Orsaris?
Page 18	Page 20
1	1
2 Q. For that purpose.	2 A. 2016.
3 A. Yes, if I am not at work.	3 Q. Okay. And how did you meet?
4 Q. Okay. And what is your cell phone	4 A. Mutual friend.
5 number?	5 Q. And what was the nature of your
6 MR. GOODMAN: Okay,	6 meeting; was it social or business?
7 objection. We can leave a blank in	7 A. Social.
8 the transcript and put it in,	8 Q. And when did you first meet Stavros
9 please.	9 Orsaris?
10 MS. CATERINE: Okay.	10 A. 2016, as well.
11 TO BE FURNISHED: _____	11 Q. Okay. And do you know Chris
12 _____	12 Orsaris, Junior?
13 Q. Did you graduate from high school?	13 A. Yes.
14 A. Yes.	14 Q. When did you meet Chris Orsaris,
15 Q. Where did you go to high school?	15 Junior?
16 A. Fort Hamilton.	16 A. Last year. Last -- either last
17 Q. When did you graduate?	17 year or two years ago. I don't remember.
18 A. Oh, boy.	18 Q. Okay. Does Chris Orsaris ever
19 Q. Approximately.	19 refer to himself as "Chris Orsaris, Senior,"
20 A. In the eighties.	20 or is he just "Chris Orsaris," and his son is
21 Q. Okay.	21 "Chris Orsaris, Junior"?
22 A. Goodness, I haven't thought of	22 A. I have never noticed.
23 that.	23 Q. Okay.
24 Q. Did you go to any school after high	24 A. I am not sure.
25 school?	25 Q. That's fine.

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2 Have you ever met a George Orsaris?	2 form.
3 A. George Orsaris? No, I don't think	3 A. Yes.
4 so. No.	4 Q. What is the nature of your
5 Q. Okay. What about Peter Orsaris?	5 relationship to that dealership?
6 A. Yes.	6 A. I am a partner.
7 Q. Sorry, did you say --	7 Q. And who is your partner for that
8 A. Yes.	8 dealership?
9 Q. -- "yes"? Okay.	9 MR. GOODMAN: You can
10 And when did you meet Peter	10 answer.
11 Orsaris?	11 A. Stavros Orsaris and John Kekis.
12 A. I believe in 2016, '17. Around	12 Q. What is Dream Car Gallery?
13 that time.	13 A. A dealership.
14 Q. Okay. And what about James	14 Q. And do you have any relationship to
15 Orsaris?	15 that dealership?
16 A. James is his -- who's that?	16 A. No.
17 Q. If you don't know, that's fine.	17 Q. Do you know who owns and operates
18 A. I mean -- okay.	18 that dealership?
19 MR. GOODMAN: If you don't	19 A. No.
20 know, you don't know.	20 Q. So how did you first get involved
21 A. I am not sure. I don't know.	21 in the business of auto dealerships?
22 Q. That's fine.	22 A. My husband opened it up in 2005 as
23 Have you ever met anyone named	23 an investor, as a silent partner.
24 James Orsaris?	24 Q. And when you say, "opened it up,"
25 A. No. Not James but...	25 what are you referring to, specifically?
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1	1
2 Q. And I apologize because I am	2 A. With the partner.
3 probably going to butcher the pronunciation	3 Q. Let me rephrase.
4 for this one, but have you ever met Elfaria	4 A. Okay.
5 Orsaris?	5 Q. What dealership was opened up?
6 A. Elfaria? I don't know that name,	6 A. Victory Auto Group.
7 Elfaria.	7 Q. Okay. And where was it operating
8 Q. Okay.	8 at that time?
9 A. No.	9 A. 4101 Boston Road, Bronx, New York.
10 Q. And do you have any children?	10 Q. And when did you start working at
11 A. Yes.	11 that dealership?
12 Q. Do any of your children work at	12 MR. GOODMAN: Object to
13 Victory Mitsubishi?	13 form.
14 A. No.	14 Go ahead.
15 Q. What is CPMW Consultants,	15 A. October of 2008.
16 Incorporated?	16 Q. And what were you doing at that
17 A. Don't know.	17 time, at the dealership?
18 Q. Okay. What is PSCA Management,	18 A. Learning the business.
19 LLC?	19 Q. Were you receiving a salary at that
20 A. Don't know.	20 time?
21 Q. Okay. What is Victory Cars East?	21 A. I don't recall. I don't think so.
22 A. A dealership in Huntington.	22 Q. Okay. And about how long were you
23 Q. Do you have any relationship to	23 in this period of learning the business?
24 that dealership?	24 A. I don't recall the accurate time
25 MR. GOODMAN: Object to	25 frame.

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2 Q. That's okay. If you -- do you have	2 right.
3 a general time frame sense; a few years, five	3 Q. Have you ever been arrested?
4 years, ten years?	4 A. No.
5 A. I want to say, five years.	5 MR. GOODMAN: Object to
6 Q. Okay. And after that period, what	6 form. Go ahead.
7 did you do at the dealership?	7 Q. Has anyone ever made a complaint
8 A. I -- let's see. I do payables,	8 against Victory Mitsubishi that they were
9 make sure we collect all deposits, I do	9 defrauded by Victory Mitsubishi?
10 payroll, I pay all the bills.	10 MR. GOODMAN: Object to the
11 Q. And is that still the nature of	11 form.
12 your work today?	12 A. Anybody made a claim? I don't
13 A. Yes.	13 recall.
14 Q. And do you have a title?	14 Q. Has any consumer ever alleged that
15 MR. GOODMAN: Today or --	15 Victory Mitsubishi deceived them or treated
16 object to form. Time frame.	16 them unfairly in the sale or financing of a
17 Q. Sorry, go ahead.	17 vehicle?
18 A. For which time frame?	18 MR. GOODMAN: Object to the
19 Q. What was your title once you	19 form; go ahead.
20 started doing this accounts payable-type	20 A. In the Etch product.
21 work?	21 Q. Okay. Any other instances, besides
22 A. In what year?	22 that one?
23 Q. Well, why don't you tell me.	23 A. I don't recall any other ones.
24 What year did you start doing this?	24 Q. And when did you start working at
25 A. 2008.	25 Victory Mitsubishi?
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1	1
2 Q. All right. What was your title at	2 A. 2018.
3 that time?	3 Q. Okay. And was that at the opening
4 A. Accounts payable.	4 of Victory Mitsubishi?
5 Q. Okay. And what is your -- what was	5 A. Yes.
6 your title in 2020?	6 Q. And who made the decision to open
7 A. Owner.	7 Victory Mitsubishi?
8 Q. And what's your title today?	8 MR. GOODMAN: Object to
9 A. Owner.	9 form.
10 Q. Have you ever had any other titles,	10 A. I did.
11 besides accounts payable and owner?	11 Q. And why did you decide to open
12 A. People refer to me as different	12 Victory Mitsubishi?
13 things, as an office manager or -- at the end	13 A. I wanted a new car franchise at
14 the day, it's all the same. So you can say,	14 that location.
15 "office manager."	15 Q. And around the same time Victory
16 Q. Okay. Have you ever worked for any	16 Auto Group was closed, correct?
17 other dealerships, besides Victory Auto	17 A. Correct.
18 Group?	18 Q. And why was Victory Auto Group
19 A. No. I need to take that back.	19 closed?
20 Q. That's fine.	20 A. Because when you open a new car
21 A. Yeah, sorry. And Victory	21 franchise, you have to assume one name. So I
22 Mitsubishi.	22 had to close that name to replace it with
23 MR. GOODMAN: And currently?	23 Victory Mitsubishi.
24 THE WITNESS: Victory	24 Q. Okay. And were the employees at
25 Mitsubishi. Spartan Auto Group,	25 Victory Mitsubishi the same as the employees

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<p>1 at Victory Auto Group?</p> <p>3 MR. GOODMAN: Object to</p> <p>4 form.</p> <p>5 A. Some were, yes.</p> <p>6 Q. And Stavros Orsaris was an employee</p> <p>7 at both, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And was David Perez an employee at</p> <p>10 both?</p> <p>11 A. I don't remember if he was with</p> <p>12 Victory Auto Group.</p> <p>13 Q. Okay.</p> <p>14 A. But he was with Victory Mitsubishi.</p> <p>15 Q. Was Yessica Vallejo an employee at</p> <p>16 both?</p> <p>17 A. I don't remember if she was for</p> <p>18 Victory Auto Group.</p> <p>19 Q. Okay. Prior to you assuming the</p> <p>20 title of owner, you testified you had a title</p> <p>21 of accounts payable; is that right?</p> <p>22 Something like that?</p> <p>23 A. Something like that. Office</p> <p>24 manager, uh-huh.</p> <p>25 Q. Okay. Did you apply for that</p>	<p>1 dealership?</p> <p>3 A. Can you rephrase that question?</p> <p>4 Q. Sure. What trainings have you</p> <p>5 received to do your work at Victory</p> <p>6 Mitsubishi?</p> <p>7 A. Dealertrack training on the</p> <p>8 accounting side, compliance training. That's</p> <p>9 it.</p> <p>10 Q. Okay. Who put on the compliance</p> <p>11 training?</p> <p>12 A. Dealertrack.</p> <p>13 Q. And what subjects were covered in</p> <p>14 the compliance training?</p> <p>15 A. Security...so many years ago.</p> <p>16 Security to make sure you are logged in when</p> <p>17 you are on the DMS system, that it allows you</p> <p>18 only a few minutes, if you don't login, it</p> <p>19 turns it off for security purposes to make</p> <p>20 sure documents are filed securely away, deal</p> <p>21 jackets are locked up, and no one has access</p> <p>22 to peoples personal information, payroll</p> <p>23 records, things like that.</p> <p>24 Q. And when did you receive this</p> <p>25 training?</p>
<p>1</p> <p>2 position?</p> <p>3 A. Did I?</p> <p>4 MR. GOODMAN: Object to</p> <p>5 form; go ahead.</p> <p>6 A. I didn't apply. My husband told me</p> <p>7 we need to take over the business, and I went</p> <p>8 to work. So not really, no.</p> <p>9 Q. Okay. Why did -- why did you need</p> <p>10 to take over the business?</p> <p>11 MR. GOODMAN: Object to</p> <p>12 form.</p> <p>13 A. My previous partner was stealing</p> <p>14 from the company.</p> <p>15 Q. What was that partner's name?</p> <p>16 A. Nick. I don't recall his last</p> <p>17 name.</p> <p>18 Q. Okay. And when did you find out</p> <p>19 that he was stealing from the company?</p> <p>20 A. The summer of 2008.</p> <p>21 Q. Were there ever criminal charges</p> <p>22 pressed against him?</p> <p>23 A. I am not sure.</p> <p>24 Q. Okay. What training have you</p> <p>25 received in -- for running an auto</p>	<p>1</p> <p>2 A. Maybe ten years ago. It's been a</p> <p>3 long time.</p> <p>4 Q. Did that training include training</p> <p>5 as to compliance with the Fair Credit</p> <p>6 Reporting Act?</p> <p>7 A. No. Not with me.</p> <p>8 Q. Okay. Did that training cover</p> <p>9 anything in regards to credit reporting?</p> <p>10 A. Not with me.</p> <p>11 Q. I know that you said the opening of</p> <p>12 Victory Mitsubishi coincided with the closing</p> <p>13 of Victory Auto Group, but Victory Auto</p> <p>14 Group, in fact, still exists; is that</p> <p>15 correct?</p> <p>16 A. Victory Auto Group does not exist,</p> <p>17 no.</p> <p>18 Q. Let's look at Exhibit 36, which is</p> <p>19 Bates-stamped Francois 1001 to 1013.</p> <p>20 MR. GOODMAN: What is it,</p> <p>21 Emma, just the subject matter of</p> <p>22 the pages?</p> <p>23 MS. CATERINE: This is the</p> <p>24 56.1 statement in the Nelson/Diane</p> <p>25 Argyropoulos, et al. case.</p>

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1	1
2 MR. GOODMAN: Okay. You	2 to its filing?
3 will have to give me a minute here.	3 A. Yes.
4 That's another one we don't have on	4 Q. And do you verify that everything
5 the table here, so I will have to	5 in this document is true, to the best of your
6 go out and get it, if necessary.	6 knowledge?
7 MS. CATERINE: Yeah, I think	7 A. No. Not true.
8 we need to get that. We should	8 Q. Why not?
9 have that one in front of her for	9 A. The first one is not true.
10 these questions.	10 Q. And you're referring to the first
11 MR. GOODMAN: Okay, no	11 paragraph?
12 problem. Give me a couple -- it	12 A. Yes.
13 will take three or four minutes.	13 Q. And how is that statement not true?
14 MS. CATERINE: Okay, that's	14 A. Phillip Argyropoulos does not work
15 fine.	15 for the office -- for the dealership.
16 THE WITNESS: Can I take a	16 MR. GOODMAN: Are you
17 break?	17 talking about paragraph one or
18 MS. CATERINE: Yeah.	18 paragraph --
19 (Whereupon, a recess was	19 THE WITNESS: Oh, paragraph
20 taken at this time.)	20 one.
21 BY MS. CATERINE:	21 Q. Oh, you are referring to the
22 Q. Before we get to the document,	22 unnumbered paragraph?
23 actually, a few follow-up questions.	23 A. Yeah. Yes.
24 Who is your cell phone provider,	24 Q. Okay. And if you go down below the
25 Ms. Argyropoulos?	25 header that says, "Background," there's a
Page 34	Page 36
1	1
2 A. AT&T.	2 paragraph numbered number 1.
3 Q. And was that your cell phone	3 A. Yes.
4 provider in 2020?	4 Q. It says, "Defendant Victory Auto
5 A. I believe so.	5 Group, LLC, Spartan Auto Group, LLC, Victory
6 Q. Have you searched your cell phone	6 Mitsubishi collectively operate a new car
7 for calls or text messages, in regards to	7 lease dealership at the address 4070 Boston
8 this case?	8 Road, Bronx, New York."
9 A. No.	9 A. Which is not --
10 Q. Have you searched your cell phone	10 MR. GOODMAN: Let her finish
11 for calls or text messages on or around May	11 the --
12 30, 2020?	12 THE WITNESS: Sorry, I made
13 A. Not understanding the question.	13 a mistake.
14 Regarding?	14 Q. -- "in which plaintiff admits to in
15 Q. Regarding this case.	15 his EEOC charge." Is that statement
16 A. No.	16 accurate?
17 Q. Have you used your cell phone to	17 A. No.
18 conduct business related to Farah Jean	18 Q. How is it inaccurate?
19 Francois or the vehicle in this case?	19 A. Victory Auto Group, LLC was not
20 A. No.	20 operating as a new car dealership.
21 Q. Okay. Now, let's look at Exhibit	21 Q. Was it operating at that time?
22 36, Bates-stamped Francois 1001 to 1013.	22 MR. GOODMAN: Which "time"?
23 What is this document?	23 Object to form.
24 A. The Nelson case.	24 A. What time frame?
25 Q. Did you review this document, prior	25 Q. This would be November 13, 2020.

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1 2 A. It was not. 3 Q. And if you could go down to go to 4 the next page, paragraph numbered number two, 5 it says, "The Defendants, Diane Argyropoulos, 6 Phillip Argyropoulos, Chris Orsaris, Alex 7 Letice -- I apologize if I am mispronouncing 8 that -- "all individuals who either own 9 and/or work with the corporate defendants and 10 have all appeared in this lawsuit." 11 Is that statement accurate? 12 A. No. 13 Q. How is that statement inaccurate? 14 A. Phillip Argyropoulos did not work 15 or own the company. 16 Q. When you say, "the company," which 17 company are you referring to? 18 A. Spartan Auto Group. 19 Q. Okay. Is there anything else 20 inaccurate about that statement? 21 A. Chris Orsaris and Alex Letice are 22 not owners of the company. 23 Q. Okay. What does Chris Orsaris do 24 at Spartan Auto Group? 25 MR. GOODMAN: Object to the	1 2 MS. CATERINE: Yes. 3 MR. GOODMAN: Okay, we have 4 it. 5 Q. What is this document? 6 THE WITNESS: This one. 7 MR. GOODMAN: Yeah. 8 A. This is documents applying to use 9 Credit Bureau Connection to run credit. It's 10 an agreement. 11 Q. And how did you learn of Credit 12 Bureau Connection and the services they 13 provide? 14 A. I don't recall how I learned about 15 them individually. I don't know. 16 Q. Is it just something that you 17 picked up in -- when -- in learning the 18 business between 2008 and 2018? 19 A. Yes, it was one of the companies 20 that was mentioned that was good. 21 Q. Okay. And what does Credit Bureau 22 Connection do? 23 MR. GOODMAN: Object to 24 form. 25 Q. For auto dealerships, specifically.
Page 38	Page 40
1 2 form. Also, time frame. 3 Q. In 2020. 4 A. Buying vehicles. 5 Q. Okay. And who is Alex Letice? 6 A. A salesperson. 7 Q. Okay. I know that you said that 8 the paragraph numbered one was not accurate. 9 As of November 2020, was there ever 10 a time in which the dealership was 11 collectively operated by Victory Auto Group 12 and Spartan Auto Group? 13 MR. GOODMAN: Object to the 14 form. 15 A. Time frame? 16 MR. GOODMAN: Ever. 17 THE WITNESS: Ever? 18 Q. Ever. 19 MR. GOODMAN: Collectively. 20 A. No. 21 Q. Okay. Let's take a look at Exhibit 22 40, what was previously marked as Exhibit 40. 23 Defendant's 93 to 112. 24 MR. GOODMAN: That one is 25 the CBC?	1 2 A. Run credit for customers. 3 Q. Did you fill out this document? 4 A. Yes. 5 Q. Why was this document filled out by 6 you, rather than someone at Victory 7 Mitsubishi who works with credit reports, 8 such as a finance manager? 9 MR. GOODMAN: Object to the 10 form. 11 A. It has to be the owner filling it 12 out. 13 Q. I see. 14 A. It's an agreement. 15 Q. The estimate of "monthly inquiries" 16 here is "1,000." Do you see that on the 17 first page? 18 A. Yes. 19 Q. Is that accurate? 20 MR. GOODMAN: Object to 21 form. 22 A. It's an average. 23 Q. Okay. And the agreement says here 24 that, "credit information will be used to, 25 quote, 'evaluate the credit of customers for

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Page 41	Page 43
1 consumer loans or lease,' end quote."	1 A. Can you rephrase the question?
3 How does that work?	3 Q. Sure. So in this agreement between
4 A. It's -- it runs the customer's	4 Victory Mitsubishi and CBC, your Victory
5 credit and it -- to see if a customer is able	5 Mitsubishi, is agreeing to do things, in
6 to purchase a vehicle, if they have the	6 return for receiving the services of CBC; is
7 credit. It's all computerized.	7 that accurate?
8 Q. Who at Victory Mitsubishi runs the	8 A. Yes.
9 credit of consumers?	9 Q. And who determines how to comply
10 MR. GOODMAN: Object to	10 with this agreement at Victory Mitsubishi?
11 form; time frame.	11 MR. GOODMAN: Object to
12 A. Time frame?	12 form; go ahead.
13 Q. In 2020.	13 A. Stavros.
14 A. There was a few of the managers. I	14 Q. Okay. Do you make any decisions,
15 don't recall which managers were there at the	15 in terms of complying with this agreement, at
16 time. I could name the couple that I do	16 Victory Mitsubishi?
17 know.	17 A. Can you rephrase the question?
18 Q. Okay, go ahead, please.	18 Q. Sure. So you say, Stavros makes
19 A. Stavros Orsaris, Yessica Vallejo,	19 decisions. Does he consult with you about
20 Joe Grabino. I don't recall everybody at	20 those decisions?
21 that time.	21 A. Meaning, during the time or to
22 Q. That's okay. Were sales associates	22 understand the policy of CBC? I am still not
23 allowed to run consumers credits?	23 understanding.
24 A. No.	24 Q. Sure, let me be very --
25 Q. Was anyone else, besides managers,	25 A. Yes.
Page 42	Page 44
1 allowed to run a consumer's credit?	1 Q. Let me just try to be as direct
3 A. No.	3 here as I can.
4 Q. Turning to the page marked	4 Were you involved, in 2020, with
5 Defendant's 94, and the third bullet point,	5 establishing policies and procedures at
6 it says at the end that Victory Mitsubishi,	6 Victory Mitsubishi for credit reporting?
7 quote, "Will obtain the consumer's written	7 MR. GOODMAN: Object to the
8 authorization to request such information	8 form; go ahead.
9 relating to that consumer," end quote.	9 A. I explained to Stavros how it has
10 Referring to credit reports, "How does	10 to be handled and the regulations on it.
11 Victory Mitsubishi obtain written	11 That was my only involvement with that.
12 authorization"?	12 Q. Okay. What do employees at Victory
13 MR. GOODMAN: Object to form	13 Mitsubishi have to do, prior to pulling a
14 time frame.	14 credit report for a consumer?
15 Q. In 2020.	15 MR. GOODMAN: Object to the
16 A. There's an application the customer	16 form.
17 fills out, signs it, and gives it to a	17 Q. In 2020.
18 manager to run the credit.	18 A. The customer has to have an
19 Q. Who created that application form?	19 application and proof of ID.
20 A. I don't recall.	20 Q. And who is that presented to?
21 Q. And who creates the policies,	21 A. To one of the managers.
22 generally, to comply with this agreement	22 Q. An employees have to login to
23 between Victory Mitsubishi and CBC?	23 Dealtertrack, in order to pull a credit
24 MR. GOODMAN: Object to the	24 report; is that correct?
25 form; go ahead.	25 A. Yes.

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1 2 Q. Do sales associates or -- excuse 3 me. Are sales associates able to log into 4 Dealertrack? 5 A. No. 6 Q. Who at Victory Mitsubishi -- not 7 names, but rather titles -- are able to log 8 into Dealertrack? 9 A. Managers and finance managers. 10 Q. And how many managers and finance 11 managers were there at Victory Mitsubishi in 12 2020? 13 A. That's hard for me to answer that 14 because it was during COVID, and there was a 15 lot of regulations. So we had different 16 sales crew at the time. So I would say, 17 maybe, at that time, three or four people. 18 Q. Okay. Is Chris Orsaris a manager? 19 MR. GOODMAN: Object to 20 form. 21 A. No. 22 Q. Does Chris Orsaris have a login for 23 Dealertrack? 24 MR. GOODMAN: Object to 25 form. Time frame.	1 2 there any other way that credit reports are 3 pulled at Victory Mitsubishi? 4 A. No. 5 Q. Are you familiar with a program 6 called T-A-L-X? 7 A. No. 8 Q. How is income information verified 9 at Victory Mitsubishi? 10 A. I don't work the floor. I don't 11 know. 12 Q. Okay. If you turn to Defendant's 13 96 on Exhibit 40. 14 THE WITNESS: 15 This one? 16 MR. GOODMAN: Yeah, yes. 17 Q. There's a signature at the bottom 18 of someone named David Daniel who's listed as 19 a "compliance manager." 20 Who is David Daniel? 21 A. He worked for Credit Bureau 22 Connection. 23 Q. And when was the last time you 24 spoke to David Daniel? 25 A. Couple of years ago. I am assuming
Page 46	Page 48
1 2 A. Time frame? 3 Q. 2020. 4 A. I believe he does because he is the 5 buyer, and that's -- he has to check the 6 inventory. 7 Q. Are credit reports ever pulled at 8 Victory Mitsubishi with software, other than 9 Dealertrack? 10 A. What kind -- can you rephrase the 11 question? 12 Q. Sure. So you testified that 13 Dealertrack is used to pull credit reports. 14 A. Yes. 15 Q. Is there any other way to pull 16 credit reports at Victory Mitsubishi, besides 17 Dealertrack? 18 A. Yes, there is. 19 Q. And what is that method? 20 A. A customer could apply online. 21 There's everything -- it's a soft pull, 22 actually, so it does not effect their credit. 23 And there's all the documents that they would 24 have to fill out electronically and sign. 25 Q. Okay. Besides the soft pull, is	1 2 when I signed these documents. 3 Q. Okay. Let's go to Exhibit 41, 4 please, Bates-stamped Defendant's 73 to 82. 5 MR. GOODMAN: We got it. 6 Q. Okay, what is that document? 7 A. Capital One dealer agreement. 8 Q. And did you fill out this 9 agreement? 10 A. I don't -- I don't recall filling 11 this out, no. 12 Q. If you can turn to the page marked 13 Defendant's 75. At the bottom, there's a 14 signature line which says, "initial here," 15 and then there are initials. 16 Are those your initials? 17 A. Yes. 18 Q. Based on that, do you believe that 19 you filled out this document? 20 MR. GOODMAN: Object to 21 form. 22 Q. Sorry? Excuse me? 23 A. I signed the document. 24 Q. Okay. Let's go back to the first 25 page of the document, please. There's

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1	1
2 something here which says, "floor plan	2 A. Last week.
3 provider," and it's filled in with "AFC."	3 Q. And in that conversation last week,
4 What does that mean?	4 was anything discussed about this case, Farah
5 A. That's who owns the vehicles. It's	5 Jean Francois, or the vehicle?
6 a bank.	6 A. No.
7 Q. I see. Do you know what "AFC"	7 Q. How regularly do you speak with
8 stands for?	8 Mr. McGhee?
9 A. I don't remember.	9 A. Can't really say. Whenever he
10 Q. Okay. And under "contacts," we	10 stops by to say hello to me. Maybe once a
11 have Chris Orsaris listed as "general	11 month, once every two months.
12 manager" and "general sales manager."	12 Q. And, in general, what's the nature
13 Why is Chris Orsaris listed here as	13 of those conversations? What are they about?
14 both "general manager" and "general sales	14 A. With me, generally, last week, he
15 manager"?	15 just wanted to tell me when he is sending
16 MR. GOODMAN: Object to the	16 things for Christmas to the employees as a
17 form.	17 thank you, as a lunch. He does -- yeah, very
18 A. He is the one who had the	18 rarely. He usually goes to the showroom. My
19 relationship with Capital One Bank for us to	19 office is across the street, though.
20 get the bank.	20 Q. I see. And then there's someone
21 Q. I see. When you say, "he was the	21 here listed under "C-O-A-F-R-S-M, Robert
22 one with the relationship with Capital One	22 Montgomery." Who is Robert Montgomery?
23 Bank," was that based on his prior auto	23 A. He worked for Capital One.
24 dealership experience?	24 Q. You testified that you have an
25 MR. GOODMAN: Object to the	25 office at the 4101 Boston Road address; is
Page 50	Page 52
1	1
2 form.	2 that correct?
3 A. I would say, yes, to that.	3 A. Yes.
4 Q. And under "primary credit," slash	4 Q. Who else has an office at that
5 "call back contact," there's someone named	5 address?
6 "Edwin Feables." Who is Edwin Feables?	6 A. My comptroller, bookkeeper,
7 A. He was a finance manager at the	7 accounts payable, two DMV girls, and customer
8 time.	8 relations. And then another person who takes
9 Q. And Mr. Feables no longer works for	9 pictures of the vehicles. And myself, of
10 Victory Mitsubishi; is that correct?	10 course.
11 A. Yes.	11 Q. Does Chris Orsaris have an office
12 Q. And when did Mr. Feables stop	12 at that address?
13 working at Victory Mitsubishi?	13 A. No.
14 A. I don't recall the year.	14 Q. Does Chris Orsaris have an office
15 Q. And was Mr. Feables fired?	15 at the 4070 Boston Road address?
16 A. No. No.	16 A. No.
17 Q. And there's someone here listed	17 Q. Where does Chris Orsaris work out
18 under C-O-A-F-A-S-M, named "Ken McGhee."	18 of?
19 Who is Ken McGhee?	19 MR. GOODMAN: Object to
20 A. Capital One's bank rep.	20 form.
21 Q. Okay. Have you ever spoken with	21 A. On his computer, I guess, from
22 Ken McGhee?	22 home.
23 A. Yes.	23 Q. And has he been doing that since
24 Q. When was the last time you spoke	24 the pandemic, or is that just, sort of,
25 with Mr. McGhee?	25 always been the way that he has worked?

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1	1
2 A. That's always been the way he	2 Q. Does Phillip Argyropoulos have his
3 worked.	3 own office at the 4070 location?
4 Q. I see. And if you turn to	4 A. No.
5 Defendant's 77 of the document, you will see	5 Q. Victory Mitsubishi is a d/b/a,
6 that Stavros Orsaris is listed as a "managing	6 correct?
7 member." Why is Stavros Orsaris listed as a	7 A. Correct, yes.
8 "managing member"?	8 Q. And besides Spartan Auto Group,
9 MR. GOODMAN: Object to	9 what other companies has Victory Mitsubishi
10 form.	10 been used as a d/b/a for?
11 A. I don't know.	11 MR. GOODMAN: Object to the
12 Q. Okay. And on the next page, Maria	12 form. Go ahead.
13 -- I apologize if I'm mispronouncing -- Maria	13 A. Victory Motors.
14 Sores is listed as "comptroller."	14 Q. And where did Victory Motors
15 Is Maria Sores still the	15 operate?
16 comptroller at Victory Mitsubishi?	16 A. Largemont.
17 A. Yes.	17 Q. Did Victory Motors operate anywhere
18 Q. How does the hiring of people work	18 else, besides Largemont?
19 at Victory Mitsubishi?	19 A. No.
20 MR. GOODMAN: Object to the	20 Q. Did Victory Auto Group ever use the
21 form.	21 d/b/a Victory Mitsubishi?
22 Q. Generally, in 2020.	22 A. No.
23 MR. GOODMAN: Still object	23 Q. Who are the current owners of
24 to form.	24 Victory Mitsubishi?
25 A. In what department?	25 A. I am.
Page 54	Page 56
1	1
2 Q. Well, I guess that, sort of,	2 Q. Are there any other owners of
3 answers the question. Let's talk about that.	3 Victory Mitsubishi?
4 How is that divided, in terms of	4 A. No.
5 hiring, by department?	5 Q. When Victory Mitsubishi was opened,
6 A. Management.	6 who were the owners?
7 Q. Okay. And so is hiring for the	7 A. I was.
8 jobs at the 4101 location, and the hiring for	8 Q. Anyone else?
9 the 4070 location, are those different?	9 A. When it opened? I don't recall.
10 A. Yes.	10 Q. How about in May of 2020, were
11 Q. Who is in charge of the hiring for	11 there any owners, besides yourself, in May of
12 the 4070 location?	12 2020?
13 A. Stavros.	13 A. No.
14 Q. And are you involved in the process	14 Q. Let's take a look at what is going
15 of hiring people for the 4070 location?	15 to be marked Exhibit 45. This is one of the
16 A. No.	16 new exhibits I sent this morning. It's
17 Q. Is Phillip Argyropoulos involved in	17 schedule K-1 forms, Bates-stamped Francois
18 hiring the people at the 4070 location?	18 3531 to Francois 3538.
19 A. No.	19 MR. GOODMAN: You should
20 Q. Is Chris Orsaris involved in hiring	20 have those over there. The K-1s.
21 of people at the 4070 location?	21 Q. All right, just let me know when
22 A. No.	22 you have those forms in front of you, please.
23 Q. Do you have your own office at the	23 A. I have them.
24 4070 location?	24 Q. Okay. What are these documents?
25 A. I do not.	25 A. K-1s.

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1	1
2 Q. Sorry, I couldn't --	2 A. To thirty percent. I just don't
3 A. K-1. The K-1 forms.	3 know the year.
4 Q. And who filled out these documents?	4 Q. That's fine. Let's go to Exhibit
5 A. The accountant.	5 28, please.
6 Q. Okay. Was there a different	6 MR. GOODMAN: Bates stamps?
7 accountant for Victory Motors and Victory	7 MS. CATERINE: Bates stamps
8 Auto Group, LLC?	8 is subpoena responses 463 to 484.
9 A. At what year?	9 These are the franchise agreements
10 Q. Let's start within 2016.	10 with Mitsubishi.
11 A. In 2016, no.	11 THE WITNESS: I have it?
12 Q. Who fills out the K-1 forms for	12 MR. GOODMAN: Yeah, should
13 Victory Mitsubishi?	13 be there.
14 MR. GOODMAN: Objection;	14 Q. Okay, could you explain to me what
15 form.	15 this document is?
16 A. The accountant.	16 A. I don't have it in front of me.
17 Q. And who is the accountant?	17 Q. Oh, I'm sorry.
18 A. Allan.	18 MR. GOODMAN: That's okay.
19 Q. What's the last name?	19 MS. CATERINE: It has the
20 A. Digsberg.	20 Mitsubishi logo at the top. It's
21 Q. And on the K-1 forms for Victory	21 titled "Dealer Sales and Service
22 Mitsubishi, are you listed as the partner?	22 Agreement."
23 A. For Victory Mitsubishi?	23 MR. GOODMAN: Okay, so we
24 Q. Uh-huh.	24 have, starting at 463?
25 A. The owner.	25 MS. CATERINE: Uh-huh.
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1	1
2 Q. The owner.	2 MR. GOODMAN: Yeah.
3 A. I don't see any documents here for	3 THE WITNESS: Okay.
4 Victory Mitsubishi.	4 Q. And so what is this document?
5 Q. There aren't any. We don't have	5 A. It's the dealer agreement with
6 any, as of yet.	6 Mitsubishi.
7 A. Okay.	7 Q. And what is the purpose of this
8 Q. And so for those K-1 documents for	8 agreement with Mitsubishi?
9 Victory Mitsubishi, would those show the	9 MR. GOODMAN: Object to
10 percentage of your ownership?	10 form.
11 A. I am not sure.	11 A. Ownership.
12 Q. Okay. And returning to the	12 Q. Okay.
13 documents, actually, in front of you, if you	13 A. Of Mitsubishi, the franchise.
14 turn to the page marked Francois 3535, it	14 Q. And let's turn to the page
15 will be for the year 2016.	15 Bates-stamped subpoena responses 464.
16 A. Yes.	16 A. Okay.
17 Q. And this document appears to list	17 Q. And here it listed your percentage
18 your ownership in Victory Auto Group, LLC, as	18 of ownership as "thirty percent." Is that
19 "one percent"; is that accurate?	19 what you were talking about, in terms of your
20 A. I believe so.	20 ownership changing to thirty percent?
21 Q. Okay. And was that your ownership	21 A. No. You asked me for Victory Auto
22 in Victory Auto Group, LLC, up until it	22 Group.
23 ceased operations?	23 Q. I see. So this is -- this is for
24 A. No.	24 Spartan Auto Group, correct?
25 Q. How did it change?	25 A. Correct.

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1	1
2 Q. And is this accurate, that you are	2 With the closing of Victory Auto
3 a thirty percent owner in January 30, 2018?	3 Group, LLC, is Phillip involved in the auto
4 MR. GOODMAN: Object to	4 dealership business any longer?
5 form; go ahead.	5 MR. GOODMAN: Object to
6 A. It's accurate. And the reason why	6 form; go ahead.
7 -- should I explain?	7 A. No.
8 MR. GOODMAN: Yeah, go	8 Q. And why did he cease his
9 ahead.	9 involvement in auto dealerships?
10 A. The reason why it was thirty	10 MR. GOODMAN: Object to
11 percent, Mitsubishi knew I owned Spartan Auto	11 form.
12 Group, that Phillip did not own Spartan Auto	12 A. He never was involved. He didn't
13 Group. But to get me to one hundred percent,	13 work at the dealership.
14 he had to slowly change to thirty percent	14 Q. Sure. Let me rephrase.
15 Mitsubishi, so I could be approved as 100	15 Why did he cease investing in auto
16 percent owner of Mitsubishi.	16 dealerships?
17 Q. And I know that you don't work at	17 A. Ask him that question.
18 Mitsubishi, but what is your understanding of	18 Q. Do you have any -- do you have any
19 why that was required?	19 understanding of why he did?
20 MR. GOODMAN: Object to the	20 A. I -- I -- I run day-to-day
21 form.	21 operation. I am there. He is not. He is an
22 A. There's an -- they have approvals.	22 attorney. So he has no responsibilities of
23 I am not sure, exactly, what it was. We did	23 it. So I don't know. You should ask him
24 as we were told from Mitsubishi.	24 that question.
25 Q. Okay. So this -- this, sort of,	25 Q. Okay. And if you turn to the page
1	1
2 transition of franchise ownership process,	2 marked subpoena responses 47 --
3 was something that Victory Mitsubishi had	3 A. I got it.
4 recommended to you; is that correct?	4 Q. -- you will notice in the bottom
5 A. Mitsubishi Motors recommended to	5 left corner, the agreement date is listed as
6 me.	6 "March 1st, 2021." Were there any other
7 Q. Oh, sorry. Yes, yes.	7 dealer sales and service agreements between
8 A. Mitsubishi Motors recommended it to	8 January 30, 2018, and March 1st, 2021?
9 us, knowing that I only owned Spartan Auto	9 A. I'm not sure.
10 Group.	10 Q. Okay. If there are not any other
11 Q. Okay. And when did Mitsubishi	11 dealership agreements between these two
12 Motors recommend this to you?	12 agreements, is it reasonable to assume that
13 A. When we first did our application	13 the January 30, 2018, agreement, governed in
14 with them. So I believe in 2018, around that	14 May of 2020?
15 time.	15 MR. GOODMAN: Object to
16 Q. Okay. Why was it that you were	16 form.
17 moving towards you operating the franchise	17 A. I don't know.
18 solely, and Phillip no longer being involved?	18 Q. If you could please turn to
19 MR. GOODMAN: Object to	19 subpoena responses 48.
20 form. Lots of objections to form.	20 A. Okay.
21 Go ahead.	21 Q. You will notice in the bottom left
22 A. Because I owned Spartan Auto Group.	22 corner, the agreement date is listed as
23 So he had zero interest to that.	23 "September 20, 2022." And this agreement in
24 Q. Sure. Sure. Let me rephrase the	24 September 20, 2022, is the first to list you
25 question.	25 as a 100 percent franchise owner; is that

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1	1
2 correct?	2 Q. In 2020.
3 A. It was something that was -- yes,	3 A. In 2020, I was really not going to
4 but it was something that --	4 work because of COVID, so I worked remotely.
5 MR. GOODMAN: Just say,	5 Q. Okay. Working remotely. Who would
6 "yes."	6 you speak with on a day-to-day basis?
7 THE WITNESS: Yes.	7 A. Maria Sores and Arifacan.
8 MR. GOODMAN: Can I see the	8 Q. How often would you speak to
9 page? Just that page.	9 Stavros Orsaris at that time?
10 Yeah, okay, go ahead.	10 A. I would say, once a day.
11 Q. If you can take a look at Exhibit	11 Q. Okay. Was there anyone in May of
12 38, please, which is Bates-stamped Francois	12 2020, working at Victory Mitsubishi, with the
13 3504 to 3514.	13 last name Ventura?
14 MR. GOODMAN: What is the	14 A. I don't -- I don't recall.
15 subject?	15 Q. Okay. How many auto salespeople
16 MS. CATERINE: It's the	16 were working at Victory Mitsubishi in May of
17 Mitsubishi dealer sales and service	17 2020?
18 agreement for Victory Motors, LLC.	18 MR. GOODMAN: Object to the
19 MR. GOODMAN: Oh, boy. I	19 form. You mean -- object to form;
20 don't think we have that one out.	20 go ahead.
21 Yeah, that one I will have to	21 A. In what department?
22 retrieve. What were the Bates	22 Q. Sure. Let me rephrase the
23 stamps?	23 question. How many sales associates were
24 MS. CATERINE: It is	24 working at Victory Mitsubishi in May of 2020?
25 Francois 3504 to 3514.	25 A. Just sales? Salespeople?
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1	1
2 MR. GOODMAN: Okay, I will	2 Q. Yes.
3 have to go get that one. You want	3 A. Hard for me to answer because of
4 to -- let's take a five-minute	4 the time with COVID. I really don't know. I
5 break, and I will pull it up.	5 was not present.
6 MS. CATERINE: Sure, that's	6 Q. So was it changing a lot at that
7 fine.	7 time?
8 (Whereupon, a recess was	8 A. It was not that it was changing.
9 taken at this time.)	9 It's because of COVID, you know, there was
10 BY MS. CATERINE:	10 rules and regulations, so we had different
11 Q. If you could turn to the page	11 shifts to keep everybody far away from each
12 Bates-stamped Francois 3505.	12 other. So I really don't know because I was
13 And do you see the provision number	13 not there at all.
14 four, "management of dealer"?	14 Q. And who set that up, the, you know,
15 A. Yes.	15 having different employees during different
16 Q. Is this provision, essentially, the	16 shifts for COVID prevention reasons?
17 same in the Mitsubishi dealership agreements	17 A. Stavros.
18 that you are familiar with?	18 Q. How many managers were there at
19 MR. GOODMAN: Object to the	19 Victory Mitsubishi in sales and financing, in
20 form.	20 May of 2020?
21 A. I am not sure.	21 MR. GOODMAN: Object to
22 Q. On a day-to-day basis, who are you	22 form.
23 working with at Victory Mitsubishi?	23 A. I don't remember the amount. I
24 MR. GOODMAN: Object to	24 don't know.
25 form; time frame.	25 Q. Okay. Did you receive a salary for

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1 2 your work at Victory Mitsubishi, in May of 3 2020? 4 A. I don't -- "salary"? I don't -- I 5 believe I did. But not salary. I don't get 6 paid salary. So, no, I did not. 7 Q. Okay. How does your compensation 8 work at Victory Mitsubishi? 9 A. I cut myself a check whenever I 10 can, but it's not really a salary, just 11 ownership. 12 Q. Sure. When you say you're -- you 13 cut yourself a check, what company is the 14 payor for that check? 15 A. Rephrase that question. 16 Q. Let me just put it this way: When 17 you say you "cut" yourself a check, what does 18 that mean, practically? 19 Who is the payment going from and 20 to? 21 A. Spartan to me. Spartan Auto Group 22 pays me. 23 Q. Okay. What is the company payor 24 for the paychecks of the employees at Victory 25 Mitsubishi?	1 2 less, depending on the vehicle. The 3 comptroller does -- she's the one who pays 4 him. 5 Q. Okay. So you previously testified 6 that Stavros Orsaris worked at Victory 7 Mitsubishi, prior to working at Spartan Auto 8 Group, correct? 9 A. Yes. 10 Q. Would the company that was cutting 11 his paycheck have changed at that time when 12 he went from working for Victory Auto Group, 13 to working at Spartan Auto Group? 14 A. I don't know. 15 Q. When you were working at Victory 16 Auto Group, were you working at the 4101 17 Boston Road location? 18 A. Yes. 19 Q. During the change from Victory Auto 20 Group to Spartan Auto Group, other than the 21 change in the company name, were there any 22 other changes for you as an individual? 23 A. I became the owner. 24 Q. In terms of work that you were 25 doing on a daily basis, was there any change?
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1 2 A. I don't know the name of the 3 company, offhand. It's on-site payroll 4 company we use. 5 Q. But are the payments for employees 6 at Victory Mitsubishi, are those coming from 7 Spartan Auto Group? 8 A. Yes. 9 Q. And would that include Chris 10 Orsaris? 11 A. He is a buyer, yes. 12 Q. Is he a salaried employee? 13 A. No. 14 Q. Is he paid based on commission? 15 A. He is paid based on -- I wouldn't 16 say commissions. Depending on the vehicles 17 he buys as a buyer's fees. 18 Q. Got you. And how is his buyer's 19 fee agreed on? 20 MR. GOODMAN: Object to the 21 form. 22 A. Can you rephrase that question? 23 Q. Sure. Who determines what his 24 buyer's fee is at Victory Mitsubishi? 25 A. It's a flat fee, basically, more or	1 2 A. No. 3 Q. Have you fired anyone at Victory 4 Mitsubishi? 5 A. I don't think so, no. 6 Q. Do you know of any one who has been 7 fired at Victory Mitsubishi? 8 A. Do I know anyone that has been 9 fired? 10 Q. Let me withdraw that question. 11 Who makes the decisions at Victory 12 Mitsubishi on whether to terminate peoples 13 employment? 14 A. Which department? 15 Q. In sales and financing. 16 A. Stavros. 17 Q. Has Stavros ever fired an employee, 18 based on allegations of them defrauding 19 consumers? 20 MR. GOODMAN: Object to the 21 form. 22 A. No. 23 Q. Who is David Perez? 24 A. Manager. 25 Q. Did you make the decision to hire

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1 2 Mr. Perez? 3 A. No. 4 Q. Who made that decision? 5 A. Stavros. 6 Q. When did Mr. Perez start working at 7 Victory Mitsubishi? 8 A. I don't know. 9 Q. What were his responsibilities as a 10 sales manager at Victory Mitsubishi? 11 A. I don't know. I am assuming 12 whatever Stavros directed him to do. 13 Q. Does anyone supervise the sales and 14 finance managers, besides Stavros? 15 A. No. 16 Q. What interactions do you have with 17 those sales and financing departments, in 18 their ordinary course of your work? 19 MR. GOODMAN: Object to 20 form. 21 A. What do you mean? 22 Q. So, sort of, day-to-day basis of 23 doing your job, what sort of interactions do 24 you have with people who work in sales and 25 financing?	1 2 was given by the New York State government, 3 did you layoff any employees, even 4 temporarily? 5 A. When it was shut down, we were 6 closed for a few weeks. Everybody got laid 7 off. 8 Q. And you said that lasted for a few 9 weeks? 10 A. I believe it was two weeks that we 11 were supposed to close for. 12 Q. By May 30, 2020, were there any 13 employees who were still laid off? 14 A. Maybe. I don't -- I don't 15 remember. 16 Q. Okay. By May 30, of 2020, other 17 than the measures you had previously 18 explained of appointment only, and social 19 distancing, besides those measures, had the 20 operations at Victory Mitsubishi changed in 21 any way? 22 MR. GOODMAN: Object to 23 form. 24 A. No, just safety, masking, you know, 25 every -- no, nothing -- nothing changed.
1 2 A. I occasionally go to the sales 3 room, just to say a quick hello to everybody. 4 Not much. I don't -- they don't come to me. 5 I don't go to them. Everything goes through 6 Stavros or my comptroller, Maria. 7 Q. How did Victory Mitsubishi adapt to 8 the COVID-19 pandemic? 9 MR. GOODMAN: Object to the 10 form. 11 A. We followed all the regulations 12 that were required. 13 Q. And who decided how to comply with 14 those regulations? 15 A. Stavros. You know, a lot of 16 business owners had to get creative during 17 those early days of COVID-19, to continue 18 sales and stay afloat. 19 Q. How did your operations change 20 during those first few months of the 21 pandemic? 22 A. We had our customers come in by 23 appointments. We had everybody spread out. 24 Made sure everybody was safe. That's it. 25 Q. Okay. So when the shut down order	1 2 Q. Okay. And would that be the same 3 in -- on June 29, 2020? 4 A. On June 19? 5 Q. June 29, 2020. 6 A. Same thing. 7 Q. Okay. How about in September 19, 8 2020? 9 A. Same thing. 10 Q. Okay. When did the vehicle 11 lay-away program at Victory Mitsubishi start? 12 A. What does that mean? 13 Q. The vehicle lay-away program. 14 MR. GOODMAN: Vehicle 15 lay-away program. Go ahead. 16 A. I don't know what that means. 17 Q. Okay. What was the remote process 18 Victory Mitsubishi had during COVID-19? 19 MR. GOODMAN: Object to 20 form. 21 A. We did not do any remote sales, nor 22 did any customers apply for remote sales. It 23 was a marketing company we used that did that 24 for promotion. No customer reached out for 25 that, nor did we ever do any of that. It was
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1 2 marketing. 3 Q. Could you tell me what the term 4 "remote process" and "home delivery" means? 5 MR. GOODMAN: Object to 6 form. 7 A. We didn't do it, so I really cannot 8 tell you the terms. 9 Q. So your testimony is that Victory 10 Mitsubishi did not have people buy and 11 finance cars remotely during the COVID-19 12 pandemic? 13 A. Yes, correct. 14 Q. So during the COVID-19 pandemic, 15 what was the general process of the 16 purchasing and financing of a car? 17 How would that work? 18 A. I don't work on the sales floor, so 19 I can't really tell you that. I can assume, 20 but I can't tell you what. 21 Q. I don't want you to assume. 22 A. That's why I am saying, I don't 23 work the floor, and during COVID, I didn't go 24 to the dealership for a very long time. 25 Q. Did you go into the dealership at	1 2 sick or on vacation? 3 A. He doesn't -- he comes at -- he is 4 healthy; knock on wood. He doesn't get sick, 5 and he doesn't really go on vacation. I know 6 it sounds crazy, but he just doesn't go on 7 vacation so far, at least. 8 Q. Who would the first person a 9 customer would talk to on the sales floor be, 10 when they come in to buy a vehicle, in May of 11 2020? 12 A. I don't know. 13 Q. Who would help consumers fill out 14 credit applications, in May of 2020, at 15 Victory Mitsubishi? 16 A. I don't know. 17 Q. Which Victory Mitsubishi employees 18 were pulling credit reports, in May of 2020? 19 MR. GOODMAN: Asked and 20 answered. Go ahead. 21 A. Only managers run credit at all 22 times. 23 Q. So that was the case in May of 24 2020, and during other times in Victory 25 Mitsubishi's history; is that correct?
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1 2 all during the year of 2020? 3 A. I did. 4 Q. Why did you go into the dealership 5 during 2020? 6 MR. GOODMAN: Did you finish 7 your answer? 8 THE WITNESS: I did not. 9 Q. Sorry, go ahead and finish your 10 answer, please. 11 A. I did. But I did not go to the 12 showroom at 4070 for maybe a year. 13 Q. Okay, sorry. 14 A. I would go to 4101, to my office. 15 I would take stuff home to continue doing my 16 work. 17 Q. Got you. Got you. During the year 18 of 2020, who was supervising the sales floor 19 at Victory Mitsubishi? 20 A. Stavros. 21 Q. Was anyone else in charge of 22 supervising the sales floor at Victory 23 Mitsubishi during that time? 24 A. No. 25 Q. Who would supervise, if Stavros was	1 2 A. Correct. 3 Q. Are there video cameras in the 4 sales floor at Victory Mitsubishi? 5 A. Yes. 6 Q. So video recordings are made of the 7 sales at Victory Mitsubishi, correct? 8 MR. GOODMAN: Object to the 9 form; time frame. 10 Q. In May of 2020? 11 A. I -- we do have cameras. I just 12 don't know if they are in every office, but 13 we do have cameras for security purposes. 14 Q. And what do you mean by "for 15 security purposes"? 16 A. Break-ins, people trying to steal 17 cars. 18 Q. Do you have access to the 19 recordings made by those cameras? 20 A. No. 21 Q. Who does have access to those 22 recordings? 23 A. My IT guy and Stavros. 24 Q. Who is your IT guy? 25 A. He has a weird name. I don't

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1 2 remember his name. I don't know. 3 Q. That's all right. 4 MS. CATERINE: Can we just 5 leave a blank. 6 TO BE FURNISHED: _____ 7 _____ 8 A. Yeah, I can get it. 9 MR. GOODMAN: Take it under 10 advisement. 11 Q. And I won't tell him. 12 Have you ever seen any video 13 recordings made with those cameras? 14 A. Yes. 15 Q. What were the circumstances of you 16 reviewing video recordings made on those 17 cameras? 18 A. It doesn't matter on time frame? 19 Q. Let's say in 2020. 20 A. In 2020, we had a break-in when 21 they were rioting, so that's -- the cameras 22 got into the parking lot, and the vehicles 23 that they stole. 24 Q. Did you report those break-ins and 25 thefts to the police?	1 2 dealership? 3 A. Only this one. Only this case. 4 Q. Aside from Ms. Francois, has any 5 other consumer told you that a vehicle was 6 sold or financed in their name, without their 7 authorization? 8 MR. GOODMAN: Object to the 9 form; go ahead. 10 A. I saw a review that was written up 11 with Mitsubishi just a few days ago, but we 12 do have video of the customer actually being 13 there and signing all of the documents, and 14 it was resolved immediately. An 15 eighty-five-year-old woman, which I was on 16 Mitsubishi, which I know you have. 17 Q. Now might be a good point to break 18 for lunch, if you want to do that. 19 MR. GOODMAN: Okay, so we 20 will take half-hour. 21 MS. CATERINE: Yeah, that 22 sounds good. So it's 12:07. Let's 23 try to be back by 12:37, please. 24 MR. GOODMAN: Let's make it 25 12:40, just to round up.
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1 2 A. Yes. 3 Q. Other than break-ins and thefts, 4 have you ever spoken with the police about 5 anything regarding Victory Mitsubishi? 6 A. No. 7 Q. And so during -- when you were 8 reviewing those videos of the break-in in 9 2020, were you in someone's office? 10 A. They sent it to me because I wasn't 11 at the dealership, so, yeah. 12 Q. I see. They sent it to you in an 13 e-mail or otherwise somehow digitally? 14 A. In an e-mail. My work e-mail. 15 Q. Other than for break-ins, have you 16 ever been sent video recordings made by 17 cameras at Victory Mitsubishi? 18 A. No. 19 Q. Do you recall any instances of 20 identify theft happening at Victory 21 Mitsubishi? 22 MR. GOODMAN: Object to the 23 form. 24 A. What time frame? 25 Q. During the entire history of the	1 2 MS. CATERINE: Sure. 3 (Whereupon, a lunch recess 4 was taken at this time.) 5 BY MS. CATERINE: 6 Q. Ms. Argyropoulos, what is your 7 understanding of what transpired at Victory 8 Mitsubishi on May 30, 2020? 9 MR. GOODMAN: Object to 10 form. 11 A. Customer complaining. 12 Q. Have you ever seen Farah Jean 13 Francois? 14 A. No. 15 Q. Have you ever spoken with Farah 16 Jean Francois, such as over the phone? 17 A. No. 18 Q. Have you ever communicated with 19 Farah Jean Francois in any way? 20 A. No. 21 Q. Did anyone at Victory Mitsubishi, 22 such as Stavros Orsaris, explain the 23 situation to you in 2020? 24 A. No. 25 Q. Why wasn't this situation brought

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1	1
2 to your attention in 2020?	2 correct?
3 MR. GOODMAN: Object to the	3 MR. GOODMAN: Objection.
4 form.	4 Mischaracterizes. She said
5 A. I am assuming, because he handled	5 Chris Orsaris.
6 it.	6 MS. CATERINE: Sorry, did I
7 Q. So situation like this isn't going	7 say --
8 to be brought to your attention, if he has it	8 MR. GOODMAN: You said
9 handled; is that correct?	9 Stavros.
10 A. Yes.	10 MS. CATERINE: Chris
11 MR. GOODMAN: Object to	11 Orsaris.
12 form.	12 THE WITNESS: Yes.
13 Q. Have you ever seen Emanuel	13 Q. Did Chris Orsaris suggest putting
14 LaForest?	14 him as manager and sales manager on that
15 A. No.	15 agreement?
16 Q. Have you ever had any	16 MR. GOODMAN: Object to
17 communications with Emanuel LaForest in any	17 form; go ahead.
18 way?	18 A. No.
19 A. No.	19 Q. Did you make that decision to put
20 Q. In 2020, did you communicate	20 him as manager and sales imageer on that
21 directly with any consumers at Victory	21 agreement?
22 Mitsubishi?	22 A. I don't recall. I just remember
23 A. No.	23 that we got Capital One because of Chris'
24 Q. You don't need to look at the	24 relationship.
25 Capital One agreement for this, but if you	25 Q. So you don't recall the
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1	1
2 would like to look at it, that's fine, of	2 circumstances that led to him being listed as
3 course. But do you have similar agreements	3 the manager, other than his prior
4 to that Capital One agreement with other	4 relationship with Capital One; is that
5 creditors?	5 correct?
6 MR. GOODMAN: Object to the	6 A. That would be the only reason,
7 form; you can answer.	7 correct.
8 A. Similar in what way? I am not	8 Q. Did Chris Orsaris work for Victory
9 understanding.	9 Auto Group?
10 Q. Sure. Does Victory Mitsubishi have	10 MR. GOODMAN: Object to
11 agreements with lenders, like the agreement	11 form; go ahead.
12 that they have with Capital One?	12 A. What time frame?
13 A. Yes.	13 Q. Ever. Did he ever work for Victory
14 Q. Are there any lenders that Victory	14 Auto Group?
15 Mitsubishi submits applications to, that	15 A. Yes.
16 Victory Mitsubishi does not have an agreement	16 Q. At what time did you work for
17 with?	17 Victory Auto Group?
18 A. No.	18 A. In 2016.
19 MR. GOODMAN: Go ahead.	19 Q. Okay. Was that soon after you had
20 THE WITNESS: Sorry.	20 first met him in a social capacity, that you
21 MR. GOODMAN: It's fine.	21 had mentioned earlier?
22 Q. You said that Stavros Orsaris was	22 A. Yes.
23 listed on the Capital One agreement as	23 Q. Was he working as a buyer, like he
24 manager because he had a prior relationship	24 is for Victory Mitsubishi, currently?
25 with Capital One; that's your testimony,	25 A. Yes.

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1	1
2 Q. Did Chris Orsaris have to fill out	2 Q. Why not?
3 a job application to obtain the position that	3 A. Because Victory Mitsubishi does not
4 he had at Victory Auto Group?	4 own the vehicle.
5 A. What kind of application?	5 Q. Who does own the vehicle?
6 Q. Like an employment application.	6 A. I'm assuming the customer.
7 A. Yes.	7 Whatever her -- French Francois.
8 Q. And who reviewed that employment	8 Q. Francois.
9 application?	9 A. Francois.
10 A. My comptroller.	10 Q. But you don't know who owns the
11 Q. Okay. And did that application ask	11 vehicle? That's just your guess?
12 for any references?	12 A. Yes.
13 A. I think it does.	13 Q. Has Victory Mitsubishi made any
14 Q. Does that application authorize	14 efforts to regain title for the vehicle?
15 Victory Auto Group to perform a background	15 A. No. Not that I recall. Not that I
16 check on the applicant?	16 know of.
17 A. I don't -- I am not sure.	17 Q. Has Capital One reached out to
18 Q. Does Victory Mitsubishi perform	18 Victory Mitsubishi to obtain any kind of
19 background checks on employees?	19 refund or any other kind of compensation, in
20 A. No.	20 regard to the vehicle?
21 Q. Are you aware of Chris Orsaris'	21 A. Not to me.
22 criminal history?	22 Q. Are you aware that Capital One
23 A. Yes.	23 performed an investigation of the identity
24 Q. When did you learn of Chris	24 theft at issue in this case?
25 Orsaris' criminal history?	25 A. I don't know.
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1	1
2 A. Many years ago. I knew when I met	2 Q. What happened to the down payment
3 him about his history.	3 for the vehicle in this case?
4 Q. How did you come to learn about his	4 A. I believe she has it.
5 history?	5 Q. And let's go to exhibit -- this is
6 A. He is Greek, I am Greek. It's a	6 going to be marked as Exhibit 43. It's
7 small circle.	7 screenshots of Instagram.
8 Q. I see.	8 MR. GOODMAN: Is this 3934?
9 A. Yes.	9 MS. CATERINE: Yes, 3934
10 Q. Why did you hire Chris Orsaris,	10 through 3950.
11 given his criminal history?	11 Q. Ms. Argyropoulos, are you familiar
12 MR. GOODMAN: Objection to	12 with the social media application Instagram?
13 form. Go ahead.	13 A. I am.
14 A. He is very good at what he does.	14 Q. And do you know who the user
15 Whatever crime he committed, he did his time.	15 Chris.Victory_123 is?
16 He served his time. You still have to give	16 A. No.
17 people chances.	17 Q. Okay. On this first page, we have
18 Q. Sure. Is the vehicle at issue in	18 a screenshot of a post by a
19 this case still in the possession of Victory	19 Chris.Victory_123, which appears to be of a
20 Mitsubishi?	20 logo that reads, "Powered by Victory."
21 A. I believe so.	21 Are you familiar with this logo?
22 Q. Has Victory Mitsubishi attempted to	22 A. No.
23 sell the vehicle, since it regained	23 MR. GOODMAN: She's on the
24 possession of it in September 2020?	24 first page.
25 A. No.	25 THE WITNESS: All right.

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1 2 Yeah, yeah, no. 3 Q. And under the logo, there's a 4 caption which reads, "It's called branding," 5 and there are -- other users are tagged, 6 specifically, Victory.Mitsubishi, Victory 7 Cars East, and Dream Car Gallery 760. 8 Are you familiar with any of these 9 Instagram accounts? 10 A. I know Victory Mitsubishi and 11 Victory Cars East. 12 Q. And who are those accounts for? 13 MR. GOODMAN: The question 14 is: Are you familiar with 15 Instagram accounts of those 16 entities? 17 THE WITNESS: I mean, I know 18 Victory Mitsubishi has Instagram. 19 Victory Cars East has Instagram. 20 Q. Who runs the Instagram account for 21 Victory Mitsubishi? 22 A. My -- BDC manager. Bibi. 23 Q. Who runs the Instagram account for 24 Victory Cars East? 25 A. She does as well, but I believe	1 2 is in this picture? 3 A. I do. 4 Q. And what is that store? 5 A. It's a car dealership. 6 Q. And where is that dealership? 7 A. In Long Island. 8 Q. Who operates that dealership? 9 A. It's no longer in business. I 10 don't know the person's name. But it's no 11 longer in business. 12 Q. Do you know when it ceased 13 operations? 14 A. I am not sure. I don't know. 15 Q. Okay. Let's turn to Francois 3938, 16 please. And is this Instagram account the 17 account for Victory Mitsubishi? 18 A. It looks like it is. 19 Q. And you see there's a little circle 20 in the upper left-hand corner of the 21 screenshot with a logo in it, "Victory 22 Mitsubishi"? 23 Are you familiar with this logo? 24 A. Yes. 25 Q. Who created this logo?
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1 2 that she uses an outside marketing for both. 3 But she's responsible for it. 4 Q. And what's the name of that outside 5 marketing firm? 6 A. I don't know. 7 MS. CATERINE: Can we just 8 leave a blank in the transcript for 9 that answer, please. 10 TO BE FURNISHED: _____ 11 _____ 12 MR. GOODMAN: We will take 13 it under advisement. 14 Q. And if you could turn to the page 15 Bates-stamped 3936. I know it's a little 16 hard to see the Bates stamps on these, but 17 it's the picture of the white car in front of 18 a dealership. 19 A. Okay. 20 Q. And the caption for this Instagram 21 post is a lightening emoji, followed by the 22 text "buy Victory." Do you know what the 23 "buy Victory" here is in reference to? 24 A. I am not sure. 25 Q. Okay. Do you know the store that	1 2 A. I believe Bibi did. 3 Q. Her last name is Singh, correct? 4 A. Yes. 5 Q. Who is Ms. Singh's employer? 6 A. I am. 7 Q. So Spartan Auto Group, LLC is her 8 employer? 9 A. Yes. 10 Q. Does she work for anyone else, 11 besides Spartan Auto Group? 12 A. She works for Victory Cars East, 13 and I am not sure if anywhere else. 14 Q. Okay, let's turn to the next page, 15 please. It's the screenshot of an 16 advertisement for a "vehicle layaway 17 program." 18 After reviewing this screenshot, 19 does this refresh your recollection as to 20 what the "vehicle layaway program" is? 21 A. I don't know. We never had it. I 22 am assuming whoever was marketing just did 23 that. I don't know. We never did a layaway 24 program. 25 Q. Why would it be marketing, if you

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1 2 never did a layaway program? 3 A. I don't think any customer ever 4 inquired to do one, so I don't think we ever 5 had the opportunity. So nothing was ever 6 done. 7 Q. So for clarification, was there a 8 program that was never used, or was there 9 just never a program? 10 A. Nobody ever approached to use it, 11 so we -- it never happened. 12 Q. I see. And who would have set up 13 this program at Victory Mitsubishi? 14 MR. GOODMAN: Object to 15 form. 16 A. I am assuming Bibi, with marketing. 17 Q. When you say, "with marketing," do 18 you mean marketing employees at Victory 19 Mitsubishi or what do you mean? 20 A. An outside marketing. 21 Q. Outside. Is there an agreement 22 between that outside marketing firm and 23 Victory Mitsubishi? 24 A. I am not sure. 25 Q. Does the outside marketing firm	1 2 Q. There's a phone number here at the 3 bottom of this advertisement, (347) 846-0825. 4 What phone number is that? 5 A. I assume it's one of the phone 6 numbers. We have many. I don't know them 7 all by heart. 8 Q. I see. Do you know how many phone 9 numbers you have at Victory Mitsubishi? 10 A. Not offhand, no. 11 Q. Okay. Okay, let's turn to Francois 12 3941. This is an Instagram screenshot of a 13 picture of a woman in a black jacket, 14 standing in front of a red vehicle. 15 A. Okay. 16 Q. If you look under the picture, you 17 will see a caption dated March 27, 2020, 18 which reads "back in action. Please contact 19 us today about our new remote process and 20 home delivery." 21 Does this post refresh your 22 recollection as to what the "new remote 23 process and home delivery" is? 24 A. We discussed that before. I told 25 you, we never did it. So we advertise it,
1 2 have authority to create sales and financing 3 programs at Victory Mitsubishi? 4 MR. GOODMAN: Object to the 5 form; go ahead. 6 A. I am not understanding the 7 question. 8 Q. Sure. There's this screenshot of 9 this vehicle layaway program, and it's my 10 understanding, based on your testimony, that 11 this was created by the marketing firm. So 12 my question is: Did they have the authority 13 to create new programs for Victory 14 Mitsubishi, like this vehicle layaway 15 program? 16 MR. GOODMAN: Object to 17 form; go ahead. 18 A. Whatever they create gets reviewed 19 by Bibi. She discusses all marketing with 20 them. 21 Q. Okay. So this advertisement and 22 the other advertisements on the Victory 23 Mitsubishi Instagram page, would have been 24 approved by Ms. Singh; is that correct? 25 A. Correct.	1 2 nobody ever inquired it, so we never sold any 3 cars remotely. 4 Q. Okay. Who made the decision to 5 advertise this remote process and home 6 delivery? 7 A. I am assuming, Bibi and the 8 marketing team. 9 Q. Okay. Would she have discussed 10 programs like this remote process and home 11 delivery with anyone else at Victory 12 Mitsubishi, prior to posting about it on 13 Instagram? 14 A. She might have. 15 Q. Turn to the next page, please. 16 This is my personal favorite because it's a 17 dog. 18 A. It's cute. It's a dog. I never 19 saw it. It's cute. 20 Q. Okay. And the caption to this one 21 reads, "Did you know that you can now shop, 22 buy, apply for financing for your next new or 23 preowned car or truck SUV at Victory 24 Mitsubishi, all from the convenience of home? 25 Find out more details at" -- and there's a

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1 2 URL there. 3 A. Right. 4 Q. And what is this Instagram post 5 referring to? 6 A. The same thing that the page before 7 -- remote sales. It's the same thing, worded 8 differently. 9 Q. Okay. 10 A. The governor allowed remote sales 11 at that time due to COVID. 12 Q. I see. Okay. And if you could 13 turn two pages to -- there's an Instagram 14 screenshot that shows an advertisement of a 15 man on a cell phone with the text, "buy your 16 vehicle from your smartphone, new or 17 preowned. Get the numbers and make the deal 18 over the phone. See the vehicle you want 19 using these apps," and it lists a number of 20 different applications. 21 Is this also in reference to the 22 same program that we've been discussing? 23 A. Yes. 24 Q. Okay. And if you could turn to the 25 next page, we have another screenshot that	1 2 remote sales, even though by law we were 3 allowed to do so. I guess they are still 4 marketing because you were still legally 5 allowed to do remote sales and wanting people 6 to feel comfortable because we did give out 7 boxes of masks because we bought 8 thirty-thousand masks, even if the people 9 didn't buy the cars, for protection, and 10 gloves. It was just a nice thing we did. 11 Q. You have referenced a couple of 12 times now that under the emergency orders, 13 that it was permitted to do remote sales of 14 vehicles. Do you know what the requirements 15 were to perform those remote sales of 16 vehicles? 17 A. I don't remember. 18 Q. Do you know if there were any 19 trainings at Victory Mitsubishi on how to do 20 remote sales of vehicles? 21 A. If we were going to do any remote 22 sales, it was going to be Stavros doing them 23 directly himself. But no customer ever 24 inquired in it, so we -- we never did it. 25 But he was going to do it himself.
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1 2 reads, "Buy online." Is this in reference to 3 the same program we've been discussing? 4 A. Yes. Sorry. 5 Q. It's all right. And if you could 6 turn to the next page, please. There's a 7 picture of a woman wearing medical scrubs, 8 gloves, and a mask. It has a caption which 9 reads, "Coronavirus update, for those 10 customers who wish to visit us here at the 11 dealership to look more closely at their new 12 or used vehicle choices, we now have gloves 13 and surgical masks available as an added 14 precaution." 15 Why does this post specify, "for 16 those customers who wish to visit us here at 17 the dealership"? Don't all customers go to 18 the dealership in person to purchase 19 vehicles? 20 MR. GOODMAN: Object to the 21 form; go ahead. 22 A. They do. 23 Q. So why does the post specify, "for 24 those customers who wish to visit us here"? 25 A. I don't know. We did not do any	1 2 Q. Okay. Okay. Let's turn to the 3 page which has the screenshot that starts 4 with the text, "We are resuming our regular 5 hours." 6 MR. GOODMAN: What's the 7 Bates stamp on it? 8 MS. CATERINE: This is 9 Francois 3949. 10 A. Okay. 11 Q. And if you could just take a second 12 to read the text on that page and just let me 13 know when you are finished. 14 A. Okay. 15 Q. What is this post in reference to? 16 A. If I remember correctly, are hours 17 were modified for the first two weeks. We 18 were understaffed, so I don't think we were 19 open as early. I think we started our day 20 later. But I don't really remember. 21 Q. And this post is dated June 10, 22 2020. Was Victory Mitsubishi still only 23 doing sales by appointment on June 10, 2020? 24 A. I am not sure. 25 Q. Okay. If you can turn to the next

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1 2 page, please. This page features a 3 screenshot which has the text, "You can do it 4 all from home," dated June 26, 2020." 5 What is the meaning of, "You can do 6 it all from home"? 7 MR. GOODMAN: Object to 8 form. 9 A. Buying a vehicle. 10 Q. Can you open Exhibit 21, please, 11 which is the deal jacket. What is this 12 document? 13 A. On page twenty-one? 14 MR. GOODMAN: No, the whole 15 thing. 16 THE WITNESS: Oh, whole 17 document. 18 Q. The whole document. 19 MR. GOODMAN: Exhibit 21. 20 A. The front of it is a deal jacket. 21 The whole document -- I see a credit app. I 22 see receipt for deposit. I see a contract 23 for financing the vehicle. I see a form for 24 registration and titling. I see the 25 inspection of the vehicle. I see the	1 2 A. What kind of issues? 3 Q. Let's just start with making sure 4 there's a title corresponding to the vehicle. 5 A. The vehicles that are owned by 6 Victory Mitsubishi? 7 Q. Yes. 8 A. My title clerk. 9 Q. And who is that? 10 A. Areefa. 11 Q. Last name? 12 A. Khan. 13 Q. Could you spell that, please? 14 A. K-H -- last name? 15 Q. Both, if you know how. 16 A. Yes. A-R-E-E-F-A, last name is 17 K-H-A-N. 18 Q. Okay, can you open Exhibit 23, 19 please, Bates-stamped Defendant's 85 through 20 92. It's the screenshots from Dealertrack. 21 THE WITNESS: It's not this 22 one? 23 MR. GOODMAN: No, no. 24 It's this one. 25 THE WITNESS: Okay.
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1 2 warranty contract. Capital One funding. The 3 bill of rights form. The bill of sale. 4 Information about the vehicle. The 5 application for the financing, the rate, the 6 driver's license, insurance card, the plate 7 number, MV-50 for registration, a copy of the 8 title for the vehicle. 9 Q. In the ordinary course of your 10 business working at Victory Mitsubishi, do 11 you review deal jackets for any reason? 12 A. No. 13 Q. And we discussed earlier that 14 Victory Mitsubishi has the vehicle, but does 15 not have title to the vehicle at this time. 16 Is there a way for Victory 17 Mitsubishi to obtain title at this time? 18 A. I am not sure. 19 Q. Do you know if there's any process 20 underway to obtain title for the vehicle? 21 A. I don't know any. 22 Q. Who at Victory Mitsubishi would 23 handle issues with titles for vehicles? 24 MR. GOODMAN: Object to the 25 form.	1 2 Q. Okay, starting with this first 3 page, is there a customer selection option 4 when you open Dealertrack? 5 A. I am not understanding. 6 Q. Sure. So the way that you use 7 Dealertrack is a bit different than the way 8 that the sales and financing people use 9 Dealertrack, correct? 10 A. Yes. 11 Q. And do you know if the screens look 12 different for you on Dealer Track, than for 13 people on sales and financing? 14 A. Yes. 15 Q. Okay. And are you familiar with a 16 screen like the one on Bates-stamped 17 Defendant's 85, titled "customer selection"? 18 A. I have the same screen on that. 19 Q. Okay. Great. And if you could 20 turn to the next page, please. And when you 21 select a customer in customer selection, 22 would a screen like this one show up for you? 23 A. Yes. 24 Q. And you will see here there's a 25 field for "sales person one," and it's filled

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1 2 in with the numbers "999." 3 Who does "999" refer to? 4 A. There was no salesperson on the 5 deal. 6 Q. I see. So 999 is just kind of a -- 7 what you would put in if there was no 8 salesperson involved with the deal? 9 A. Yes. 10 Q. Okay. Great. And who does "A31" 11 refer to in the field titled "F and I 12 manager"? 13 A. That's the finance manager's. 14 Q. Do you know who "A31" is? 15 A. I am not sure. They all have 16 numbers. I would have to go to a different 17 screen to see it. 18 Q. Is there any document, including an 19 electronic document, like a screen you could 20 pull up in Dealertrack, that lists all of the 21 employee identification numbers, like 999, 22 and A31? 23 A. There may be. 24 MS. CATERINE: We would call 25 for the production of that	1 2 form. You mean about this vehicle? 3 MS. CATERINE: Yes, about 4 this vehicle. 5 A. I don't know. 6 Q. Okay. If you could turn to the 7 next page, please. And we see accountings of 8 different amounts for the sale of the 9 vehicle, and there's a field for 10 "registration," with the amount 250. 11 What is that? 12 A. Two -- 13 MR. GOODMAN: Where is it 14 at? Oh, I see it. Okay, go ahead. 15 A. To register and title the vehicle. 16 Q. Okay. And does Victory Mitsubishi 17 keep the registration fee for vehicle sales? 18 A. It pays DMV to register the cars. 19 Q. I see. So that payment goes to the 20 DMV? 21 A. Correct. 22 Q. Okay. And then there's a service 23 contract, which I know you also identified in 24 the deal jacket, and the amount for that is 25 \$3,000. Do you know what happened to that
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1 2 document. 3 A. I mean... 4 MS. CATERINE: To the extent 5 it exists. 6 MR. GOODMAN: Taken under 7 advisement. 8 Q. And if you could turn to the next 9 page, please. And there's text here that 10 reads, "function," and there's an asterisk 11 and then a yellow box to the right of it. 12 Do you know what that is? 13 A. I don't know this screen. 14 Q. Okay. Remains a mystery. 15 MR. GOODMAN: Excuse me. 16 Q. Let's see. Could you turn to the 17 page marked Defendant's 90. It's the one 18 with Progressive Insurance. 19 A. Okay, got it. 20 Q. And has Victory Mitsubishi had any 21 communications with Progressive Insurance 22 since the vehicle was returned to the Victory 23 Mitsubishi in September of 2020? 24 A. I don't know. 25 MR. GOODMAN: Object to the	1 2 \$3,000, since the return of the vehicle in 3 September 2020? 4 A. I don't know. 5 Q. Do you know if the service contract 6 has been refunded? 7 A. I don't know. 8 Q. And there's a "document fee" here 9 of \$75. What is the "document fee"? 10 A. I am not sure. 11 Q. Okay. If you could look at the 12 last page, please, Defendant's 92. 13 What is this document? 14 A. I have never seen it before. 15 Q. Okay. If you could open -- let's 16 open what is going to be marked Exhibit 44. 17 This is one of the new documents. It's 18 Bates-stamped subpoena responses 569 through 19 574. It's a Dealertrack document. 20 MR. GOODMAN: Okay. Yeah, 21 this might be it. 569 to 574? 22 MS. CATERINE: Yeah, six 23 pages. 24 Q. Prior to your preparation for your 25 deposition today, had you ever seen a

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1	1
2 document like this one, either printed out or	2 sales and financing of a vehicle, why
3 on a computer screen?	3 Dealtertrack would have one Victory
4 A. I have seen it on a computer	4 Mitsubishi employee pulling the credit report
5 screen.	5 and submitting credit application, and then
6 Q. Okay, what is this document?	6 switch to a different Victory Mitsubishi
7 A. It's Dealtertrack, on the process	7 employee?
8 of the vehicle.	8 MR. GOODMAN: Object to the
9 Q. And who has access to this?	9 form.
10 A. Finance managers and Stavros.	10 A. Because the second one gets
11 Q. And if you could go to the last	11 switched over -- submits the deal to the
12 page of the document, subpoena responses 574,	12 bank.
13 and, actually, before I ask about that, why	13 Q. Why would that happen, generally?
14 would the finance managers or Stavros access	14 A. Because they are the finance
15 this document in the ordinary course of their	15 managers.
16 business?	16 Q. Is it due to them being busy or
17 MR. GOODMAN: Object to	17 what would be the reason?
18 form; go ahead.	18 A. Just a different responsibility.
19 A. To send the application to the	19 They are a finance managers. That's what
20 bank, so the bank can fund the deal.	20 their job is.
21 Q. Okay. All right. And looking at	21 Q. Do only finance managers submit
22 the last page of the document 574, it begins	22 credit applications?
23 with an entry time stamped "4:54 p.m., Y.	23 A. No.
24 Ventura, deal jacket created."	24 Q. Who else submits credit
25 Who is Y. Ventura?	25 applications, besides finance managers?
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1	1
2 A. I don't know.	2 A. Managers.
3 Q. Okay. And what does "deal jacket	3 Q. Besides Stavros or Orsaris and
4 created" refer to?	4 David Perez, what other managers are there?
5 A. I am not sure.	5 A. At what time?
6 Q. So in the ordinary course of your	6 Q. In May of 2020.
7 working at Victory Mitsubishi, do you review	7 A. I think Jason Lewis.
8 this document?	8 Q. Does Jason Lewis still work at
9 A. No.	9 Victory Mitsubishi?
10 Q. Okay. There's an entry further	10 A. Yes.
11 towards the top time stamped 4:58 p.m., which	11 Q. Okay. Who are the financing
12 reads, "privacy notice manually signed."	12 managers at Victory Mitsubishi in May -- on
13 Do you know what this refers to?	13 May 30, 2020?
14 A. I am not sure.	14 A. I know Yessica, Joe. I am not sure
15 Q. If you go to the previous page,	15 if anybody else.
16 573, go to the bottom of the page, you will	16 Q. Do you know if there's ever been a
17 see there's an entry time stamped 4:59, by	17 finance manager with the last name Ventura at
18 this Y. Venture, "Trans decision approved."	18 Victory Mitsubishi?
19 The next entry is time stamped 6:09 p.m., by	19 A. Maybe.
20 Jessica Vallejo, and that reads "credit	20 Q. And if you could turn to the page
21 application copied."	21 subpoena responses 572, please. Do you know
22 Do you know why it switched from Y.	22 what Victory Mitsubishi's hours of operation
23 Ventura to Jessica Vallejo?	23 were on May 30, 2020?
24 A. I don't know.	24 A. No.
25 Q. Do you know why, generally, in the	25 Q. Do you know what Victory

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1	1
2 Mitsubishi's hours of operation are	2
3 currently? Specifically, for Saturdays.	3
4 A. I think it's nine to eight.	4
5 Q. Okay.	5
6 A. Nine to nine.	6
7 Q. Has there ever been a point at	7
8 which Victory Mitsubishi's hours of operation	8
9 extended past 10:00 p.m.?	9
10 A. I am not sure.	10
11 Q. Okay. And on this page we see a	11
12 little back and forth here between Ventura	12
13 and Vallejo, from 6:13 p.m. to 6:48 p.m., and	13
14 then nothing happens until 10:11 p.m., when	14
15 there's an entry which reads, "credit	15
16 application E-signature pending."	16
17 First, what does "credit	17
18 application E-signature pending" mean?	18
19 A. I don't -- I don't know.	19
20 MR. GOODMAN: Let me see	20
21 that page.	21
22 Q. And do you know any reason why	22
23 there would be entries made in Dealertrack	23
24 for an account after 10:00 p.m.?	24
25 MR. GOODMAN: Object to	25
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1	1
2 form.	2 A. I am trying to find it.
3 Q. Sorry, what was the answer?	3 Q. Okay.
4 A. I don't know.	4 A. Okay, I found it. Page 80?
5 Q. Okay. Have you ever seen Yessica	5 Q. Yes.
6 Vallejo working at the dealership, after the	6 A. Okay.
7 dealership has closed?	7 Q. Okay. And do you see the section
8 MR. GOODMAN: Object to	8 titled "Fair Credit Reporting Act"?
9 form.	9 A. Yes.
10 A. I am not there.	10 Q. And is that your signature under
11 Q. Fair enough.	11 the section titled "Fair Credit Reporting
12 MR. GOODMAN: Emma, if this	12 Act"?
13 is a good time, can we take five	13 A. Yes.
14 minutes?	14 Q. And what is your understanding of
15 MS. CATERINE: Yeah, that's	15 what your signature was agreeing to on this
16 fine. This is a good time.	16 page?
17 (Whereupon, a recess was	17 MS. CATERINE: Strike that.
18 taken at this time.)	18 Q. What is your understanding of the
19 BY MS. CATERINE:	19 effect of your signing this page?
20 Q. Let's go to Exhibit 32. It's a	20 MR. GOODMAN: Object to
21 single page, subpoena responses 326.	21 form.
22 MR. GOODMAN: 326?	22 A. My understanding -- actually, let
23 MS. CATERINE: Yeah.	23 me look at this.
24 MR. GOODMAN: What is it,	24 Q. Sure. Take your time.
25 Emma?	25 A. To have the customer and give their

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1	1
2 ID and signing the credit app, so their	2 What is your understanding of what
3 credit could be run to obtain a loan.	3 "additional responsibilities" could be
4 Sorry, you didn't hear me?	4 triggered under these circumstances?
5 Q. No, no, I heard you.	5 A. I am not sure.
6 Is Mr. Goodman still there?	6 Q. Okay, let's look at that
7 MR. GOODMAN: I am here. I	7 investigation document, please, the one
8 am looking through papers trying to	8 Bates-stamped subpoena responses 326.
9 find that out.	9 Prior to your preparation for this
10 MS. CATERINE: Okay, sorry.	10 deposition today, had you ever seen this
11 I just don't want to proceed	11 document before?
12 without you.	12 A. No.
13 MR. GOODMAN: 326, Titan	13 Q. Could you please take a second and
14 account number. That's the one we	14 read the section titled "narrative" to
15 were looking for before?	15 yourself, and let me know when you are
16 MS. CATERINE: Yeah.	16 finished?
17 MR. GOODMAN: The	17 A. Okay.
18 investigation initiated -- okay, we	18 Q. Okay. There are two sentences here
19 found it. There you go.	19 I want to ask you about. The first sentence
20 MS. CATERINE: Okay, great.	20 is the one that says, "During the review of
21 Q. A couple of questions, first,	21 the account, it was discovered that an
22 though.	22 unknown suspect using the telephone numbers
23 For the Capital One document, the	23 listed above used the victim's name, date of
24 paragraph under Fair Credit Reporting Act,	24 birth, and social security number, on June
25 that says, "Under the Fair Credit Reporting	25 29, 2020, to purchase a 2017 BMW 5 series for
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1	1
2 Act, you are either a user of credit	2 29,462.81."
3 information, a consumer reporting agency, or	3 Do you understand that statement to
4 exempt except for disclosure requirements."	4 be accurate?
5 I didn't read a parenthetical there, but what	5 MR. GOODMAN: Object to the
6 is your understanding of whether you're a	6 form.
7 user of credit information, a consumer	7 A. No.
8 reporting agency, or exempt?	8 Q. And what do you understand about
9 A. My understanding, they were allowed	9 that statement to not be accurate?
10 to run a customer's credit to apply for a	10 A. I believe that the customer was
11 loan.	11 actually at the dealership purchasing the car
12 Q. Okay. And is your understanding	12 because I discussed this with Stavros. They
13 that that would make you a user of credit	13 got a lot of tickets and they didn't want to
14 information?	14 claim responsibility. She came to the
15 A. Not me, technically, but the	15 dealership. There was communication with
16 company.	16 BBC. We have recording of her. She did come
17 Q. Spartan Auto Group is the user?	17 to the dealership. So from what I am
18 A. Spartan Auto Group is the user.	18 understanding from Stavros -- I was not
19 Q. And the second bullet point here	19 there. I didn't see the customer. That she
20 says, "Should the financing source to whom	20 was there for -- and they got a lot of
21 you submitted the application reject the deal	21 tickets, thousands of dollars, and they
22 and supply you credit information, you might	22 didn't want to be responsible for them.
23 find yourself being a user of a report and	23 Q. And what is your understanding --
24 depending on the information received,	24 you mentioned recordings. What are those
25 trigger additional responsibilities."	25 recordings?

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1	1
2 A. With BDC calling the customer and	2 What is your understanding of
3 speaking to her.	3 Capital One's efforts to recover the funds on
4 Q. What's BDC?	4 the loan?
5 A. Cust- -- the girls that call the	5 A. I don't think there was any. I am
6 customers to see if the visit was okay, if	6 not aware of Capital One reaching out to
7 they came in, or to make appointment for a	7 Victory Mitsubishi. I have no knowledge of
8 car.	8 that.
9 Q. And do you know the date of those	9 Q. If that did happen, generally,
10 phone calls?	10 would that be something that would be
11 A. I am not sure.	11 communicated to you?
12 Q. Do you know if those phone calls	12 A. Only if it wasn't resolved. But
13 were before or after the sale of the vehicle?	13 usually Stavros handles everything.
14 A. I am not sure. I believe it was	14 Q. Okay. So Stavros would handle it,
15 after, though.	15 but if there was some kind of problem or
16 Q. Okay.	16 inability for him to resolve it, then he
17 A. I am pretty sure it was after	17 would communicate it to you; is that correct?
18 because they -- and there's a recording. I	18 A. Correct.
19 believe we still have it. They asked how the	19 Q. And sorry if I asked this before,
20 visit went.	20 but just in the general operation of the
21 Q. Do you know if anyone was ever	21 business, how often do you talk to Stavros?
22 arrested or criminally charged, in relation	22 MR. GOODMAN: Object to
23 to this alleged identity theft?	23 form.
24 A. No. I don't know.	24 A. At what time? What time frame?
25 Q. Okay. Do you know who Emanuel	25 Q. In 2020.
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1	1
2 LaForest is?	2 A. In 2020, I spoke to him, I would
3 A. Until recently, no. But now I do	3 say, maybe three times a week, maybe once a
4 know who he is.	4 day.
5 Q. What's your understanding of who he	5 Q. And what were the nature of those
6 is?	6 calls?
7 A. They came together to purchase a	7 A. To prepare all the deposits to be
8 car.	8 sent across the street. So I would have them
9 Q. And the sentence I just asked you	9 either delivered to me or I would show up
10 about talked about telephone numbers, name,	10 once in a while to pick up everything to work
11 date of birth and social security number,	11 from home.
12 which are listed above, or the phone number,	12 Q. When you say, "the deposits," are
13 rather, are listed above.	13 you referring to the down payments on
14 Do you recognize either of the	14 vehicles?
15 phone numbers listed under "home phone" or	15 A. Yes, credit card or cash.
16 "work phone"?	16 Q. And where are those kept when they
17 A. No.	17 are at the 4070 location?
18 Q. And there's a date of birth here	18 A. In a safe.
19 for February 18, 1982. Do you know anyone	19 Q. Who has access to that safe?
20 with the birth date February 18, 1982?	20 A. Stavros.
21 A. No.	21 Q. Do you have access to that safe?
22 Q. Okay. And the last sentence in	22 A. Honestly, no. We got a new safe,
23 this narrative reads, "Capital One Auto	23 so, no, I do not because I don't go there, to
24 Finance has begun efforts to recover the	24 be honest.
25 funds on the loan."	25 Q. I guess it shows the level of trust

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1 between you.	1 look different. But I assume it's something
2 A. Honestly, no, I don't.	2 from Mitsubishi.
3 Q. And so once you pick up the down	3 MR. GOODMAN: Don't assume.
4 payments, what do you do with them?	4 If you know what it is --
5 A. I close it out in our DMS system,	5 THE WITNESS: Yeah, I am not
6 which is Dealertrack, and I send it to the	6 sure.
7 bank.	7
8 Q. And are those kept in, like, a	8 Q. Okay. If you turn to the page
9 checking account, in an IOLA account?	9 stamped subpoena responses 488, you will see
10 What kind of account are they kept	10 there's a column with a bunch of cells that
11 in at the bank?	11 are filled in with text describing different
12 A. In a checking account.	12 complaints. And take your time. Feel free
13 Q. Are other funds kept in that	13 to read all of them.
14 account, besides down payments?	14 Do you recognize any of the
15 A. Yes.	15 complaints described in this spreadsheet?
16 Q. And you say you "close it out in	16 A. I recognize one.
17 the DMS system." Does that create a record	17 Q. Which is the one that you
18 showing that the down payment was deposited	18 recognize?
19 in a bank account?	19 A. "Customer daughter upset that her
20 MR. GOODMAN: Object to	20 eighty-five-year-old mother's name was on
21 form.	21 it."
22 A. I mean it -- once a customer gives	22 Q. Okay.
23 money, it's already recorded to the deal. So	23 A. This is the recent complaint that I
24 it follows through, but it gets recorded to	24 actually discussed when I saw this document.
25	25 Q. I see. And who did you discuss
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1 the dealers through the receipt of the money.	1
2 But, yes, there's a record of making sure all	2 that with?
3 money goes to the bank.	3 A. Stavros.
4 Q. Okay.	4 Q. Were your attorneys present for
5 MS. CATERINE: We call for	5 that discussion?
6 the production of that record in	6 MR. GOODMAN: By counsel,
7 regard to the down payment for this	7 yes.
8 vehicle.	8 THE WITNESS: You were
9 MR. GOODMAN: Taken under	9 right. I had to think. Yes, yes,
10 advisement.	10 they were.
11 Q. Okay, let's look at Exhibit 33.	11 MS. CATERINE: As curious as
12 It's a printout of a spreadsheet of	12 I am, I will refrain from asking
13 complaints from Mitsubishi, Bates-stamped	13 what was said in that conversation.
14 subpoena responses 485 through 489. And just	14 MR. GOODMAN: Well, you can
15 for the record, I am only describing the	15 ask.
16 documents inasmuch as to help locate them,	16 MS. CATERINE: Oh, I am, I
17 not to influence the witness in any way. And	17 am going to.
18 just let me know when you have those in front	18 Q. What is your understanding of what
19 of you.	19 happened in this case?
20 A. I have them.	20 A. Okay, I read it, I asked Stavros to
21 Q. Okay, great.	21 come to me across the street, comes to me, I
22 What is this document?	22 asked him about it, he showed me video of
23 A. I am assuming it's an -- I am not	23 this eighty-five-year-old woman signing all
24 sure. Because if I am getting it, it could	24 the documents, and it was resolved with the
25	25 customers. The daughter had an issue with

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<p>1 the parking spot where she lives, and that's 2 why she made all this nonsense. But it has 3 been resolved and we do have footage video of 4 this eighty-five-year-old woman signing all 5 documents. So, to me, there's no issue 6 there.</p> <p>7 Q. Okay. Could you explain to me a 8 little bit about what you mean by, like, 9 "parking spot"? I am a little confused with 10 what that has to do with anything.</p> <p>11 A. Wherever they live had to be on the 12 daughter's name, so the building was able to 13 permit her, but she wound up resolving it. 14 When she resolved it with the building, it 15 went away. So it was all -- and we do have 16 video of the eighty-five-year-old woman 17 signing all the documents at the dealership.</p> <p>18 Q. Do you still have that video?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Are you familiar with any of 21 the other complaints listed on the 22 spreadsheet?</p> <p>23 A. No. No, that one caught my eye, so 24 that's why I asked it, but no.</p>	<p>1 son who work at Victory Mitsubishi?</p> <p>2 A. His -- at what time frame?</p> <p>3 Q. In May of 2020.</p> <p>4 A. Any other in May of 2020? No, no.</p> <p>5 Q. Does anyone else from the Orsaris 6 family work at Victory Mitsubishi, in May of 7 2020?</p> <p>8 MR. GOODMAN: Object to the 9 form.</p> <p>10 Q. Anyone else besides Chris Orsaris 11 and Stavros Orsaris?</p> <p>12 A. No. No.</p> <p>13 Q. With the complaint -- with the -- 14 the elderly woman that you were just 15 discussing, did you actually watch the video 16 recording or did Stavros just describe it to 17 you?</p> <p>18 A. I watched it.</p> <p>19 Q. Okay. And had Stavros e-mailed the 20 video recording to you?</p> <p>21 A. No, he showed it to me in person.</p> <p>22 Q. I see. Was it, like, on his phone 23 or something?</p> <p>24 A. We were at -- we were on a</p>	<p>1</p> <p>2 computer, so I think -- did it -- he was able 3 to download from the computer.</p> <p>4 Q. I see. All right. And in 5 September of 2020, do you know if there were 6 any other father and son working at Victory 7 Mitsubishi, besides Stavros and Chris 8 Orsaris?</p> <p>9 A. No. No.</p> <p>10 Q. At any point --</p> <p>11 A. No, there wasn't any. Sorry.</p> <p>12 Q. At any point during the history of 13 Victory Mitsubishi, have there been any 14 fathers and sons working there, besides Chris 15 and Stavros Orsaris?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 A. No.</p> <p>19 Q. How long are video recordings kept 20 at Victory Mitsubishi?</p> <p>21 A. I am really not sure. I am really 22 not sure.</p> <p>23 Q. Around when did you watch this 24 video recording of the elderly woman 25 regarding the consumer complaint?</p>

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1 2 A. A few days ago. 3 Q. And I believe that complaint is 4 dated May of 2022. I believe. Let me 5 actually look at it before I guess. 6 MR. GOODMAN: That's 7 correct. 8 MS. CATERINE: Okay. 9 Q. So is it reasonable to assume, 10 then, that you keep recordings for at least 11 six to seven month? 12 MR. GOODMAN: Object to 13 form. Time frame, also, but 14 objection. 15 A. No, I am assuming -- when was this 16 filed? 17 MR. GOODMAN: May of 2022. 18 THE WITNESS: When did the 19 customer buy the car? 20 MR. GOODMAN: May of '22. 21 A. Okay, so we still have the 22 recording. I think it only saves maybe for 23 thirty days. It doesn't -- it doesn't -- we 24 don't have, like, a six month... 25 MR. GOODMAN: Do you know	1 2 lawsuit, what steps did you take to determine 3 whether the allegations in it were true? 4 A. I spoke to Stavros, and I trust 5 him, and I believe him. 6 Q. And around when did you speak to 7 Stavros? 8 A. Whenever the lawsuit came. I don't 9 remember the time. 10 Q. What did you ask him during that 11 conversation? 12 A. I asked him for the customer's 13 name, who, you know, who prepared the work, 14 you know, ID. He swears that they both were 15 at the dealership and he had them remove the 16 mask from a distance to make sure it was 17 them. 18 Q. Did he tell you who pulled 19 Ms. Francois' credit report? 20 A. He told me -- let me think. He 21 told me that they were all having lunch or 22 dinner, they were eating, a few of the 23 managers in -- I don't know whose office. I 24 don't remember whose office. But they were 25 eating in a manager's office and Yessica is
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1 2 what the standard is? If you don't 3 -- 4 THE WITNESS: Yeah, I don't 5 know. But this was because 6 customer had just purchased the 7 car. They still had the recording 8 and they went back that day. 9 Q. Do you know why there aren't any 10 video recordings of the sale of the vehicle 11 in the name of Farah Jean Francois? 12 A. I don't know. But two years later, 13 it would no longer be there. 14 Q. But the vehicle was returned in 15 September of 2020, correct? 16 A. That's what I heard. 17 Q. So when there's been an allegation 18 of identity theft, shouldn't video recordings 19 have been preserved at that time? 20 A. I don't know. It was a very rough 21 time during COVID for everybody. So I can't 22 really say. Everybody had a hard time with 23 COVID, you know, people were a little 24 nervous. 25 Q. Sure. When you learned of this	1 2 the one who ran the credit. 3 Q. Okay. 4 MR. GOODMAN: Do you need to 5 take that? 6 THE WITNESS: No, it's okay. 7 MS. CATERINE: You want to 8 take a break? 9 THE WITNESS: It's okay. I 10 will call back. Thank you. 11 Q. Have any employees been fired, or 12 otherwise disciplined, in regards to the 13 allegations in this lawsuit? 14 A. No. 15 Q. Have you spoken with Yessica 16 Vallejo about the allegations in this 17 lawsuit? 18 A. I have. 19 Q. And what was the nature of that 20 conversation? 21 MR. GOODMAN: Was counsel 22 present for that conversation? Was 23 it attorney -- either me or Patrick 24 there? 25 THE WITNESS: When I spoke

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1 2 to Yessica? 3 MR. GOODMAN: Correct. 4 THE WITNESS: I am trying to 5 remember. Were you? 6 MR. GOODMAN: I think so. 7 THE WITNESS: I think you 8 were there. You were there. 9 MR. GOODMAN: There may have 10 been another time, but I definitely 11 -- 12 THE WITNESS: You were there 13 the one time, the only time. Was 14 she was very upset because Yessica 15 -- I know you met her. She takes 16 things to heart. And she said, "I 17 would never do anything that I am 18 not supposed to do." 19 MR. GOODMAN: Okay, there's 20 no question pending. 21 THE WITNESS: All right, all 22 right, all right, all right. Okay, 23 never mind. 24 Q. Was she afraid that you might 25 believe the allegations in the lawsuit?	1 2 contact Ms. Francois? 3 A. No. 4 Q. Do you think that Victory 5 Mitsubishi did anything wrong in the sale and 6 financing of the vehicle to Ms. Francois? 7 MR. GOODMAN: Object to the 8 form; go ahead. 9 A. No. 10 Q. Who is at fault for Ms. Francois' 11 identity being stolen? 12 MR. GOODMAN: Objection, 13 form. Don't answer that. Who's at 14 fault? You can answer, if you 15 know. I mean, object to the form. 16 A. I don't know. 17 Q. Okay. 18 MR. GOODMAN: It seems -- 19 sorry, I am not -- object to form. 20 Q. Are you aware that Emanuel LaForest 21 has testified in this lawsuit that he 22 purchased Ms. Francois' social security 23 number? 24 A. No. 25 Q. Are you aware that Mr. LaForest
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1 2 MR. GOODMAN: Objection to 3 form. But also now we're in the 4 privileged conversation. So I'll 5 direct her not to answer. 6 Privilege. 7 Q. Okay. Did Ms. Vallejo mention 8 anyone by the name of Jaime Singer? 9 MR. GOODMAN: Objection. 10 Again, you are asking her about a 11 conversation we established -- 12 MS. CATERINE: Fair enough. 13 Fair enough. 14 Q. Other than your conversation with 15 Ms. Vallejo, have you had any other 16 communications with her about the lawsuit, 17 such as e-mails? 18 MR. GOODMAN: Other than the 19 time that I was there? That's the 20 question? 21 Did you have any other 22 conversation, when I was not there, 23 with Yessica, about this case? 24 THE WITNESS: No. 25 Q. Have you, at any point, tried to	1 2 texted the social security number of another 3 person by the name of Jaime Singer to Stavros 4 Orsaris? 5 A. No. 6 Q. Are you aware that Emanuel LaForest 7 texted a picture of Jaime Singer's driver's 8 license to Stavros Orsaris? 9 A. No. 10 Q. Knowing what it does now, would 11 Victory Mitsubishi have taken any steps in 12 the sale and financing of a vehicle to 13 Ms. Francois differently than how it did on 14 May 30, and June 29th of 2020? 15 MR. GOODMAN: Object to the 16 form. 17 A. Are you assuming we did something? 18 I am not understanding the question. 19 Q. From my understanding -- 20 MR. GOODMAN: No, if you 21 don't understand, that's it. She 22 will ask another question. 23 THE WITNESS: Okay. 24 MS. CATERINE: Let's take a 25 ten-minute break. Hopefully, we

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1 2 can wrap this up soon. 3 (Whereupon, a recess was 4 taken at this time.) 5 BY MS. CATERINE: 6 Q. So when did the Instagram account 7 for Victory Mitsubishi start? 8 MR. GOODMAN: Object to 9 form; go ahead. 10 A. Couple of years ago. Honestly, I 11 don't remember the date. 12 Q. Okay, that's fine. And you said 13 that the post that we looked at earlier were 14 put together by a marketing firm and Bibi 15 Singh; is that correct? 16 A. Yes. 17 Q. Who's Ms. Singh's supervisor? 18 MR. GOODMAN: Currently? 19 Object to form. 20 Q. In 2020. 21 A. She is a manager. 22 Q. She is a manager. So does she not 23 have a supervisor, then? 24 A. If there's ever needed, she will go 25 to Stavros. But she is a manager.	1 2 There's different fees. 3 Q. Okay. Does he receive any other 4 compensation through Victory Mitsubishi? 5 A. No. 6 Q. Do you know if he works for any 7 other companies, besides Victory Mitsubishi? 8 A. Not to my knowledge. 9 Q. What is a "floor planner"? 10 A. A "floor plan"? 11 Q. A floor planner. 12 MR. GOODMAN: "Planner." 13 A. I don't know. 14 Q. You don't know. Okay. 15 Do you know if anyone has a lien on 16 the vehicle in this lawsuit? 17 A. Yes. 18 Q. And who has a lien on the vehicle? 19 A. Capital One. 20 Q. So as far as you're aware, that 21 lien has not been extinguished; is that 22 correct? 23 A. Correct, yes. 24 Q. Where does Chris Orsaris live? 25 MR. GOODMAN: Note my
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1 2 Q. Okay. So would she have reported 3 these marketing campaigns to Stavros? 4 A. I would -- I would say they 5 definitely had to discuss it, yes. 6 Q. And so you mentioned that Chris 7 Orsaris -- I think you called him a "buyer"; 8 is that correct? 9 A. Yes. 10 Q. What does a buyer do? 11 A. Buys and sells vehicles. 12 Q. And where is he buying and selling 13 vehicles? 14 A. Auction. Auctions. 15 Q. Okay, so he is dealing in used 16 vehicles, specifically? 17 A. Yes. 18 Q. And are these sold to Victory 19 Mitsubishi one at a time, or in bundles? 20 How does that work? 21 A. They are sold for the day. It's an 22 immediate transaction, as he buys. 23 Q. Got you. And you said he receives 24 a flat fee for the vehicles, correct? 25 A. Yes, depending on the vehicles.	1 2 objection. 3 A. I am not sure. 4 Q. Okay. What is a "floor plan"? 5 A. A "floor plan" is a bank that owns 6 the vehicles, so you pay interest to them, 7 and as you sell them, you payoff the floor 8 plan. It's a loan. 9 Q. And that was the ACF or AFC? 10 A. AFC. 11 Q. AFC, okay. 12 A. Yes. 13 Q. And you talked about recordings of 14 phone calls that were between Ms. Francois 15 and the dealership, correct? 16 A. Correct. 17 Q. What dealership employees were 18 speaking to Ms. Francois? 19 A. I am not sure which employees. 20 Q. Okay. How were these recordings 21 made? 22 A. I think by phone. I would say, by 23 phone. 24 Q. So the phones at Victory Mitsubishi 25 can record calls?

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1	1
2 A. Not all phone calls, no.	2 Q. Okay. And the checking account you
3 Q. Sure. But they have the capacity	3 mentioned before, that's with HSBC, correct?
4 to record phone calls; is that correct?	4 A. Yes.
5 A. A couple of them do, yes.	5 Q. Do you know anyone who works at
6 Q. Okay. And I know you said they	6 Victory Mitsubishi who is about 6'2" tall?
7 don't record all phone calls. What is the	7 A. No.
8 procedure for recording phone calls?	8 Q. In the ordinary course of your
9 A. I am not sure. Bibi handles that.	9 work, how often do you speak with finance
10 Q. And she handles that for all of the	10 managers?
11 phones, both at 4070 and the other address,	11 A. At what time?
12 which I am forgetting off the top of my head?	12 Q. In 2020.
13 A. Yes, yes.	13 A. Hardly ever. I wasn't there.
14 Q. Are there any other buildings,	14 Q. If I recall correctly, you couldn't
15 beside those two that we talked about, for	15 remember all of the finance managers in 2020
16 Victory Mitsubishi?	16 off the top of your head. But in 2020, would
17 A. For sales?	17 you have known the names of all the finance
18 Q. For any reason. Storage, anything	18 managers?
19 like that?	19 A. At that time?
20 A. Yes, there is.	20 Q. Yes.
21 Q. All right. And what are those?	21 A. Yes, yes.
22 Where are those buildings located?	22 Q. Do you know if Capital One has
23 A. A couple of blocks away. It's a	23 spoken to anyone at Victory Mitsubishi about
24 service center.	24 the vehicle, since September of 2020?
25 Q. Okay. Anything else, besides the	25 MR. GOODMAN: Objection;
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1	1
2 service center?	2 asked and answered. Go ahead.
3 A. In what year?	3 A. No.
4 Q. In 2020.	4 Q. Do you know if there have been any
5 A. I don't think so.	5 e-mails or faxes exchanged between Victory
6 Q. Okay. When you're collecting --	6 Mitsubishi and Capital One, about the
7 when you are processing down payments on	7 vehicle, since September of 2020?
8 vehicles, what documents are you looking at	8 A. I have no knowledge of that.
9 to do that? Are you looking at the receipts	9 Q. You mentioned a Victory Mitsubishi
10 for the down payments?	10 e-mail that you used for your work. Have you
11 A. That's one of the things I am	11 searched that e-mail for information
12 looking at.	12 regarding this case?
13 Q. Okay. What else are you looking	13 A. I have.
14 at, besides the receipts?	14 Q. And did you find any e-mails
15 A. On Dealertrack, there's a special	15 regarding this case?
16 section for deposits.	16 A. No.
17 Q. I see. And if a consumer makes	17 Q. Are you able to search your cell
18 separate payments for the down payment, like,	18 phone for text messages?
19 you know, for example, at one time making a	19 MR. GOODMAN: Object to
20 down payment of \$8,000, and another time	20 form; go ahead.
21 making a payment of \$1,000, would those show	21 A. What time period?
22 up separately, or would it just show up as	22 Q. In 2020.
23 one payment of \$9,000?	23 A. I am.
24 A. It would show up one, but with two	24 MR. GOODMAN: You can search
25 different dates.	25 now for text messages from 2020?

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1	1
2 THE WITNESS: No. Now, I	2 Yeah, because of COVID. Yeah, yeah, yeah.
3 cannot. No. Sorry, not now. I	3 MR. GOODMAN: All right, I
4 thought she meant in 2020. I don't	4 have no further questions.
5 give my phone number out, though.	5 MS. CATERINE: All right. I
6 The employees have my work number.	6 don't have anymore questions.
7 Q. And the work number corresponds to	7 MR. GOODMAN: I guess we are
8 a phone in your office?	8 done.
9 A. Correct.	9 MS. CATERINE: Yes. Before
10 Q. Have you provided your attorneys	10 we go -- Ms. Argyropoulos, you are
11 with any phone records?	11 free to go. Thank you.
12 A. No.	12 THE WITNESS: Thank you.
13 MS. CATERINE: And I just	13 MR. GOODMAN: You can go.
14 want to confirm, I know your	14 We will stay on.
15 position, Counsel, in terms of	15 THE WITNESS: Okay.
16 giving out the home address, but	16 MS. CATERINE: Can we have
17 can we stipulate that	17 any agreement as to taking the
18 Ms. Argyropoulos will present	18 deposition of the Ventura person on
19 herself at trial on notice?	19 Monday?
20 MR. GOODMAN: Well, I will	20 MR. GOODMAN: Yeah, so I am
21 accept any subpoena for trial on	21 advised that -- I think it's -- the
22 her behalf. I can certainly make	22 individual Ventura is no longer
23 that representation.	23 employed by -- that's what I have
24 MS. CATERINE: Okay.	24 been told. I inquired for a last
25 That's all the questions I	25 known address and contact
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1	1
2 have.	2 information. I have not received
3 MR. GOODMAN: I just have	3 it, but I will provide it when
4 one question.	4 available.
5 BY MR. GOODMAN:	5 MR. KESHAVARZ: Do you know
6 Q. Ms. Argyropoulos, you testified	6 what the first name is?
7 that in the year 2020, specifically, on	7 MR. GOODMAN: No, I do not.
8 certain dates, you were not in the dealership	8 MR. KESHAVARZ: Well, we
9 at all or at least not often.	9 have to take depositions like next
10 Is there a reason for that? I	10 week. So I don't know why it's so
11 mean, we've heard COVID. But is there	11 hard to find out where she lives,
12 anything more specific that kept you away	12 what her address is, last known
13 from the dealership?	13 address.
14 MS. CATERINE: Objection to	14 Why don't you make call and
15 form.	15 find out?
16 A. No, it was because of COVID that I	16 MR. GOODMAN: I called and
17 wasn't going to work every day.	17 they are looking for it.
18 Q. Yeah.	18 MR. KESHAVARZ: I know, but
19 A. It was because of COVID.	19 we need an answer now. We can't
20 Q. Was there any -- your mother at	20 wait until next week.
21 home?	21 MR. GOODMAN: You will not
22 A. Oh, yeah, my mother is	22 get an answer right now. You will
23 eighty-something years old. So I couldn't	23 get an answer as soon as I get an
24 take a chance and get COVID, to give it to my	24 answer. I am not trying to hold it
25 mother. That's the reason I didn't go.	25 back from you. I have made an

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1	1
2 inquiry and I will provide it when	2 available on that" --
3 I get it.	3 MR. GOODMAN: I don't want
4 MS. CATERINE: What other	4 to clear that with you.
5 information do you have about this	5 MR. KESHAVARZ: Get that on
6 person at this time?	6 record.
7 MR. GOODMAN: Not much,	7 MR. GOODMAN: No, we will
8 other than Y. Ventura.	8 not get that on record.
9 MR. KESHAVARZ: Well, can we	9 MR. KESHAVARZ: Where's the
10 nail down a date for a deposition	10 court reporter? We never got off
11 for our availability and your	11 record. Madam court reporter, are
12 availability.	12 we still on the record?
13 MS. CATERINE: For next	13 THE REPORTER: Yes.
14 week.	14 MR. KESHAVARZ: Okay, thank
15 MR. GOODMAN: When I get an	15 you.
16 update, it will appear. You will	16 -oOo-
17 have to subpoena this individual.	17 (Whereupon, the examination
18 That will take time and effort.	18 of DIANE ARGYROPOLOUS was adjourned
19 MR. KESHAVARZ: That's fine,	19 at 3:06 p.m.)
20 but when are you available next	
21 week?	
22 MR. GOODMAN: I don't know.	DIANE ARGYROPOLOUS
23 MR. KESHAVARZ: Find out.	
24 MR. GOODMAN: Do what --	
25 MR. KESHAVARZ: Let's narrow	
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1	1
2 that down now.	2
3 MR. GOODMAN: I am not	3 ----- I N D E X -----
4 available. I am available for	4 WITNESS EXAMINATION BY PAGE
5 Jaime Singh and Paquito.	5 DIANE ARGYROPOLOUS
6 MR. KESHAVARZ: I don't want	6 MS. CATERINE 6
7 to hear that when I subpoena her,	7 MR. GOODMAN 154
8 you are not available for that	8 ----- REQUESTS -----
9 date. If you are giving us --	9 Page 109...line 24
10 MR. GOODMAN: What's the	10 Document that lists all of the employee
11 point? You will not get --	11 identification numbers, like 999, and A31
12 MR. KESHAVARZ: When are you	12 Page 130...line 6
13 available?	13 Production of that record in regard to the
14 MR. GOODMAN: You will never	14 down payment for this vehicle.
15 get her next week.	15 ----- FURNISH -----
16 MR. KESHAVARZ: Forget about	16 Page 18...line 11
17 her. She doesn't work for you.	17 Production of cell phone number
18 You can't file a motion to squash.	18
19 I will subpoena as soon as I can.	19 Page 81...line 6
20 I don't want to hear you are not	20 Name of IT guy
21 available that day. So let's look	21 Page 94...line 10
22 at attorneys schedules. I just	22 Name of the marketing company
23 want it clear. If you don't want	23 ----- EXHIBITS -----
24 it clear, that's fine. I don't	24 DEFENDANT'S FOR ID.
25 want to hear you say, "I am not	25 EXHIBIT 43 Instagram Posts premarked
	25 EXHIBIT 44 Dealer Track History premarked
	25 EXHIBIT 45 K-1 Filings premarked
	25 (Exhibits retained by reporter.)

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<p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW YORK)</p> <p>4 COUNTY OF NEW YORK)</p> <p>5</p> <p>6 I, AYDIL M. TORRES, a Notary Public</p> <p>7 within and for the State of New York, do</p> <p>8 hereby certify:</p> <p>9 That DIANE ARGYROPOLOUS, the witness</p> <p>10 whose deposition is hereinbefore set forth,</p> <p>11 was duly sworn by me and that such deposition</p> <p>12 is a true record of the testimony given by</p> <p>13 the witness.</p> <p>14 I further certify that I am not</p> <p>15 related to any of the parties to this action</p> <p>16 by blood or marriage, and that I am in no way</p> <p>17 interested in the outcome of this matter.</p> <p>18 IN WITNESS WHEREOF, I have hereunto</p> <p>19 set my hand this 9th day of December, 2022.</p> <p>20</p> <p>21 <i>Aydil M. Torres</i></p> <p>22</p> <p>23 AYDIL M. TORRES</p> <p>24</p> <p>25</p>	<p>Page 161</p> <p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5 _____</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10 _____</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15 _____</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20 _____</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 DIANE ARGYROPOLOUS</p> <p>25</p>
<p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3</p> <p>4 Our Assignment No. J8950423</p> <p>5 Case Caption: FARAH JEAN FRANCOIS vs.</p> <p>6 VICTORY AUTO GROUP LLC, ET AL.</p> <p>7 DECLARATION UNDER PENALTY OF PERJURY</p> <p>8 I declare under penalty of perjury</p> <p>9 That I have read the entire transcript of</p> <p>10 My Deposition taken in the captioned matter</p> <p>11 Or the same has been read to me, and</p> <p>12 The same is true and accurate, save and</p> <p>13 Except for changes and/or corrections, if</p> <p>14 Any, as indicated by me on the DEPOSITION</p> <p>15 ERRATA SHEET hereof, with the understanding</p> <p>16 That I offer these changes as if still under</p> <p>17 Oath.</p> <p>18 _____</p> <p>19 DIANE ARGYROPOLOUS</p> <p>20 Subscribed and sworn to on the _____ day of</p> <p>21 _____, 20____ before me,</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public,</p> <p>25 In and for the State of _____</p>	<p>Page 162</p> <p>1</p> <p>2 DEPOSITION ERRATA SHEET</p> <p>3 Page No. _____ Line No. _____ Change</p> <p>4 to: _____</p> <p>5 _____</p> <p>6 Reason for</p> <p>7 change: _____</p> <p>8 Page No. _____ Line No. _____ Change</p> <p>9 to: _____</p> <p>10 _____</p> <p>11 Reason for</p> <p>12 change: _____</p> <p>13 Page No. _____ Line No. _____ Change</p> <p>14 to: _____</p> <p>15 _____</p> <p>16 Reason for</p> <p>17 change: _____</p> <p>18 Page No. _____ Line No. _____ Change</p> <p>19 to: _____</p> <p>20 _____</p> <p>21 Reason for</p> <p>22 change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 DIANE ARGYROPOLOUS</p> <p>25</p>